A REPORT

ON THE

ADMINISTRATION

OF

LABOR and MINING LEGISLATION IN ILLINOIS

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REPORT ON LABOR AND MINING ADMINISTRATION.

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I. INTRODUCTION.

The field of labor legislation is one in which primary emphasis must be placed upon efficiency rather than upon economy. With the expenditure of funds now appropriated to the various labor bureaus in Illinois a much more effective administration can be had, but in order to enforce the present body of labor legislation in an effective manner it is probable that more money will have to be spent than at present. One of the essential difficulties in the present situation is that there are not enough inspectors to enforce adequately the various safety regulations, even if the inspection service were efficiently organized. However, a centralized organization, with the doing away of present conflicting and overlapping jurisdictions, should accomplish a great deal, even without an increase of appropriations.

There are now a number of official bodies vested with power to administer the labor laws of Illinois, and the powers of these bodies are often overlapping. The first labor body created was the Bureau of Labor Statistics, established in 1879, under the supervision of a Board of Commissioners of Labor. This Bureau had primarily the functions of collecting and publishing information, but from 1883 to 1907, it also had supervision over the mine inspection service.

As new needs have been felt new bodies have been constituted to meet them. In 1893 the Factory Inspector's Office was created; in 1895 a State Board of Arbitration was constituted. Beginning in 1899 control was established over private employment agencies, and from 1903 to 1909 this control was exercised directly by the Commissioners of Labor. Since 1909 the direct supervision is exercised by a chief inspector of private employment agencies, but a power to grant and revoke licenses is vested in the Commissioners of Labor. Beginning in 1899, free employment offices have been established in a number of cities; these offices are substantially independent, but report to the Commissioners of Labor.

The administration of the first workmen's compensation law (1911) was vested in the Bureau of Labor Statistics, but for the administration of the act of 1913, a new body, the Industrial Board, was created.

With respect to mining there has been a similar multiplication of administrative bodies, and we now have not only the State Mining Board, but also a Miners' Examining Board, a Mine Rescue Commission and a temporary Mining Investigation Commission.

Each field of labor legislation and the organization for its administration, must now be taken up somewhat in detail, and the subjects are discussed in the following order: (1) Department of Factory Inspection; (2) Commissioners of Labor and Bureau of Labor Statistics (together with free and private employment agencies); (3) Industrial Board; (4) State Board of Arbitration; (5) Mining authorities. To the important subject of accident reporting it has been thought desirable to devote a separate section of the report. After a general review of the present administrative organization for the enforcement of labor legislation, there is presented a general summary together with a recommended plan of reorganization.

Before this report was completed, an independent investigation of the administration of labor laws in Illinois was made by Mr. E. H. Downey and Mr. Carl Hookstadt, for the United States Commission on Industrial Relations. Assistance has been received from the results of this investigation. In connection with child labor, assistance has been received from the Children's Bureau of the United States.

Acknowledgement is made to Professor F. S. Deibler, of Northwestern University, for assistance in connection with Section XI of this report; this part of the report was prepared by Mr. J. E. Miller, of the University of Illinois.

II. DEPARTMENT OF FACTORY INSPECTION.

Historical Note.

The offices of State Factory Inspector, Assistant State Factory Inspector and deputy State factory inspector were first created by the act to regulate the manufacture of clothing, wearing apparel, etc. and to provide for inspection thereof, approved June 17, 1893 and in force July 1, 1893. The department, as first authorized, was to be composed of a factory inspector at a salary of $1,500, an assistant at $1,000, and ten deputy inspectors, five of whom were to be women, at a salary of $750 per annum. All offices thus created were to be filled by appointment of the Governor, the chief inspector to hold office for a term of four years and the assistant and deputy inspectors to hold office during good behavior. Under the act of 1893, as amended in 1903, inspectors were empowered to visit and inspect at all reasonable hours and as often as practicable, the workshops, factories and manufacturing establishments in this state, where the manufacture of goods was carried on and to perform such other duties as should thereafter be prescribed by law. A duty was imposed upon the chief inspector to report in writing to the Governor, on the 15th day of December annually, the result of inspections and investigations, together with such other information and recommendations as might be deemed proper. It was also the duty of the department to make special investigations into alleged abuses in any workshop whenever the Governor should direct, and to report the results of such investigation to the Governor. The general duty to enforce the provisions of the act and to prosecute all violations of the same was also imposed upon the department. The inspector was required by the amendment of 1903 to divide the State into fifteen inspection districts and to assign a deputy inspector to each district, such deputy to have charge of actual inspection therein. Reassignments could be made and deputies changed from one district to another when the chief inspector, in his discretion, was of the opinion that the good of the service required it, and he might also re-divide the State when he deemed such a re-division advisable.

Powers of the Department.

Under the acts of 1893 and 1903 the powers of the state factory inspector were to "inspect.....workshops, factories, and manufacturing establishments in this state where the manufacture of goods is carried on," to prosecute all violations, and to make report of inspections and of the general work of the office to the Governor. Under an act of 1907, as amended in 1911, it is made the duty of the chief state factory inspector (1) to exercise general supervision over the

department of factory inspection; (2) to secure the enforcement of all laws now in force or hereafter enacted, relating to the inspection of factories, mercantile establishments, mills, workshops, and commercial institutions in the state; (3) to perform such other duties as are now or may hereafter be prescribed by law to be performed by the factory inspector; (4) to visit and inspect, or to have his deputies visit and inspect at all reasonable hours as often as practicable, the factories, mercantile establishments, mills, workshops, and commercial intitutions in this State, where goods, wares and merchandise are manufactured, stored, purchased, or sold at wholesale or retail; (5) to report to the Governor on the thirtieth day of June of each year the result of his inspections and investigations with such other information and recommendations as he may deem proper; (6) to make special investigations into conditions of labor or into any alleged abuses in connection therewith, when called upon by the Governor to do so; (7) to prosecute all violations of law relating to inspection of factories, etc.; (8) by written order filed with the Governor, to divide the state into inspection districts and to assign to each district a deputy inspector, due regard being had to the number of establishments and the amount of work required to be performed in each district. By a like order filed with the Governor he may re-divide the state into inspection districts when conditions are changed or in his discretion the good of the service requires. He may change a deputy from one district to another.

Organization.

Under the act of 1907 the composition of the Department of Factory Inspection was as follows:

Name	*Salary*
Chief State Factory Inspector	$3,000
Assistant Chief Factory Inspector	1,500
25 Deputy State Factory Inspectors	1,200
Attorney for the Department	1,500

The department as constituted in 1913 under the act of 1907 as amended in 1911 and under the appropriation act of 1913 was as follows:

Name	*Salary*
Chief State Factory Inspector	$3,000
Assistant Chief Factory Inspector	2,250
30 Deputy State Factory Inspectors, each	1,200
One Physician	1,500
One Chemist	1,500
One Chief Clerk	1,200
One Stenographer	1,200
Two Stenographers ,each	1,000
One Stenographer	900
Two Female Investigators, each	1,000
Two Clerks, each	900
One Messenger	900
Telephone Operator	600
Attorney	1,500

An editor is employed out of the general appropriation for the State department of factory inspection.

Under the act of 1911 (approved June 5) it was provided that the Governor should appoint the chief State factory inspector, the assist-

ant chief State factory inspector, thirty deputy factory inspectors, a physician, and an attorney. The State civil service amendment act (approved June 10, 1911) exempted from its terms officers appointed by the Governor, subject to confirmation by the Senate, and the State civil service commission assumed that the factory inspection officers came under civil service, in view of the fact that confirmation by the Senate was not specified. The present attorney general has, however, ruled that these positions are exempt because confirmation by the Senate is implied and only the clerical force of the department of factory inspection is now under the civil service law.

List of Principal Laws.

The following laws came within the jurisdiction of this department during the period from 1893 to 1907:

1. The act to regulate the manufacture of clothing, wearing apparel, etc.; and to provide for inspection thereof, 1893.
2. The act to regulate the employment of children, approved June 9, 1897, in force July 1, 1897.
3. The act to compel the use of blowers on metal polishing machines, approved June 11, 1897, in force July I, 1897.
4. The more complete child labor law of 1903, approved May 15, in force July 1st.

From 1897 to 1899 the fire escape act (of 1897) was under the jurisdiction of the factory inspector's office. Before 1907 the reports of the state factory inspector (in addition to the general showing of statistical information and results obtained in the enforcement of the above laws) contain numerous recommendations for the enlargement of the office and for the extension of its powers and duties. In many cases actual drafts of proposed measures were inserted in the reports, thus calling the specific attention of the legislature to the needs of the department. In 1902, a draft of a more complete child labor law was submitted in the annual report, it being practically the act as finally enacted by the legislature in 1903. In 1903-04 were proposed (1) a bill to provide for the health, safety, and comfort of employees in manufacturing establishments, mercantile industries, mills, factories, and workshops, (2) a bill to provide for the sanitation of all food producing establishments, and (3) a bill further to regulate the manufacture of clothing. In 1906 the same three proposals were again the subject of comment and along therewith were submitted more complete drafts of the measures suggested. In 1906, the enactment of the following laws was urged by the factory inspector: (1) An act to provide for the health, safety, and comfort of employees. (2) An act to provide for the sanitation of food-producing establishments. (3) An act to protect persons engaged in construction, repairing, alteration, removal of buildings, bridges, and viaducts. (4) A new sweat-shop law. (5) An act to regulate the manufacture, handling and storage of high explosives. (6) An act to provide for low water alarms on steam boilers. (7)An act to empower the factory inspector to secure information from various businesses. (8) An act to provide for better fire inspection. (9) An act to protect the public

from fires in theaters. (10) An act prescribing the manner of construction of theaters, etc. (11) An act to regulate the construction and maintenances of tenements, lodging and boarding houses. (12) An act to provide for the complete reorganization of the department of factory inspection. (13) An act calling for the appointment of a commission to investigate occupational diseases.

Acting upon the recommendations of the State factory inspector, the Legislature in 1907 passed an act which effected a reorganization of the department, enlarged its powers and increased the general scope of its activity. At the same session of the legislature the commission for the study of occupational diseases and the commission to investigate the needs for further providing for the health, comfort and safety of employes were created. The acts providing for the protection of employees engaged in structural work, and relating to butterine and ice cream factories were passed, and their enforcement vested in the department of factory inspection.

In his report for 1908, the chief inspector calls attention to his proposed building inspection law, comments upon the work of the commission on occupational diseases and upon the work done by his department in securing the appointment of the industrial commission.

In a very general way the above summary shows the work of the department of state factory inspection along the line of recommendation, both as regards an extension of the powers of the State to authorize inspections and to enforce regulations for the general protection of the laboring classes and of the public, and as regards the general equipment and maintenance of the administrative machinery necessary for the proper enforcement of labor laws. Under the sections dealing in detail with each of the laws enforcible by the factory inspection department will be found short statements dealing with the further contents of the reports.

Following is a list of the principal laws, the enforcement of which is committed to the department of factory inspection:

Act to regulate manufacture of clothing.....1893
Act to provide for use of blowers on metal polishing machines....1897
Child labor law.....1897
Child labor law.....1903
Act providing for inspection of butterine and ice cream factories.1907
Act providing for protection of laborers engaged in structural work.....1907
Act to provide for health, safety, and comfort of employees.....1909
Act limiting the hours of labor for women.....1909
and amendment thereto of.....1911
Act providing for protection from occupational diseases.....1911
Act providing for wash rooms in certain employments.....1913

POWERS AND DUTIES UNDER PARTICULAR STATUTES.

Act to regulate the manufacture of clothing, 1893. This act provides that if the State factory inspector or city boards of health find evidence of infectious or contagious diseases present in any workshop or in goods manufactured here or transported to this State, or if the

inspector or boards shall find said shops in an unhealthful condition, etc., the inspector or boards shall issue such order or orders as the public health shall require.

Any person occupying or controlling a workshop is required to notify the city board of health within fifteen days after work begins in such shop, of its location, the nature of work, and the number of persons employed therein. City boards of health are empowered to condemn and destroy goods made under unhealthful conditions, or unfit for use, when such conditions are found by the board of health itself or reported to it by the factory inspector. The first report of the State factory inspector in 1893 gives an account of inspections made under this act as does likewise the report of 1895. The report for 1912-13 (in manuscript) contains a chapter devoted to this act.

The division of power between the factory inspector's office and local boards of health makes difficulty in the enforcement of this act. Upon inspection, goods are found which may be condemned under the law, but such goods are usually removed by their owners before action is taken by the local boards of health, and no penalty is imposed for such removal.

The garment workers' law is also defective in that it enumerates twelve types of shops (or of work) subject to its terms, but does not cover the whole subject of work done under sweat-shop or other undesirable conditions. For example, the factory inspector's office calls attention to the fact that it does not cover work on neckwear, gloves, caps, mittens, garters, and gaiters. For this reason it has been necessary, in order to make inspections of home work, to construe home work as being done in workshops coming under the health, safety, and comfort act of 1909, and inspect under the authority granted by that act.

Act to compel use of blowers on metal polishing machines, 1897

In general this act lays down specific requirements concerning the use of emery wheels, but from its provisions are exempted grinding machines upon which water is used at the point of grinding contact, and small shops employing not more than one man. It contains provisions as to the manner in which each wheel is to be fitted into hoods, provision concerning blowers and suction pipes, their construction, attachment, etc. Concurrently with the sheriff, constables, and prosecuting attorneys, the state factory inspector is charged with the duty (upon his receiving notice in writing signed by any person having knowledge of such facts, accompanied by the sum of one dollar, that any factory or workshop is not provided with such appliances as required by the act) to visit and inspect such place, and if violations of the law are found it is his duty to prosecute therefor. The reports of the department dealing with the administration of the above act show the name of the firm, its location, number of men employed, number of wheels used, number of wheels unprotected, number of wheels exempt, date of inspection, actual orders issued with the time given and date expired, name of the inspector and brief remarks concerning the general condition of the establishment inspected. In 1909, 172 inspections were made in Chicago and 227 in establishments outside of Chicago. For the year 1911-12, 235 inspections were made

in Chicago, and 25 outside of Chicago. For the year 1912-13, 71 inspections were made in Chicago and 39 outside. With reference to the success of the department in the enforcement of this act, the state factory inspector, in his report for 1909, said: "It is seldom now that our inspectors find a shop where metal polishing is done on an extensive scale that there is not a strict compliance with the letter and spirit of the law." It will be noticed that the act confers concurrent powers upon state's attorneys, sheriffs and constables to enforce the act. No statement is made in the reports concerning the relation with local authorities nor do the tables of statistics showing the general results of inspections, contain any information submitted by these local authorities. The report for 1909 shows that 227 inspections of metal polishing trades were made outside the city of Chicago in that year. The number of cities is not shown. Among the cities for which the report contains no reference to inspections are East St. Louis, Peoria, Aurora, Cairo and Bloomington.

The chief State factory inspector says that no use has been made of the provision of law with reference to complaints in writing accompanied by the sum of one dollar. Inspections are made just as if an initial duty to make them were imposed by the terms of the law.

Child Labor Law. There are three separate statutes dealing with the subject of child labor. In 1893, in the act to regulate the manufacture of clothing and wearing apparel is contained a section which provides that no child under fourteen (14) years of age shall be employed in any manufacturing establishment, factory or workshop within the state; that a register be kept by any person who employs children between the ages of fourteen (14) and sixteen (16) in which is to be recorded the name, birthplace, and place of residence of every such child; that an affidavit as to age, date and place of birth made by parent or guardian of every child between fourteen and sixteen (or by the child if there is no parent or guardian) shall be required before it shall be lawful for such child to work. The register and certificates were open to inspection, upon demand, by the inspector or his assistants. The section further provides that the factory inspector may demand a certificate of physical fitness from a regular physician in the case of children who appear to him physically unable to perform the labor at which they may be engaged, and may prohibit the employment of any minor unable to furnish such a certificate. This act also provides that in every room where children under sixteen (16) are employed shall be kept a list of their names, ages and places of residence. This act applied only to children employed in manufacturing establishments, factories, and workshops.

In 1897 in the "act to regulate the employment of children" it is provided that no child under fourteen (14) shall be allowed to work for wages in gainful occupation in any mercantile institution, store, office, laundry, manufacturing establishment, factory, or workshop. Registers and affidavits of parents or guardians (or of child without parent or guardian) are required as in the previous act; the list of persons under sixteen (16) is likewise required to be posted. It is

further provided, and this section is entirely new, that sixty (60) hours per week and ten (10) hours per day shall be the maximum number of hours during which such persons may be legally employed. A prohibition is also placed upon the employment of a child under sixteen (16) years of age in any extra-hazardous employment whereby its life or limb, or its health is likely to be injured, or its morals may be depraved.

An amendment of 1901 further provided that all establishments subject to factory inspection where girls and women are employed shall be provided with suitable seats for the use of the girls and women, and that they shall be permitted to use such seats when not necessarily engaged in their active duties.

The state factory inspector, in each of the above acts, is charged with the enforcement of its provisions, and an amendment of 1901 imposed penalties for any obstruction of factory inspectors in the performance of their duties under the act of 1897. With these statutes in force, the legislature in 1903, went into the subject of child labor again and enacted a law much more complete in its provisions, for the most part covering the same ground as did the previous acts. This act expressly repeals the defective child labor act of 1891, but repeals only such parts of other acts as are in conflict with the enactment of 1903. The duties of the department of factory inspection thereunder are as follows:

1. Duty to visit all mercantile institutions, offices, laundries, manufacturing establishments, bowling alleys, theaters, concert halls and places of amusement, factories, or workshops, and all other places where minors are or may be employed in this State and ascertain whether any minors are employed contrary to the provisions of the act.

2. The inspectors may require that age and school certificates, and all lists of minors employed in such factories, workshops, mercantile institutions, and other places where minors are employed, as provided for in this act, shall be produced for their inspection on demand.

3. It is made the special duty of the State Factory Inspector to enforce the provisions of this act and to prosecute all violations of the law, and it is made his duty, and that of his assistants and deputies to visit and inspect at all reasonable times and as often as possible all places covered by the act.

By the last section referred to it is made the special duty of the inspector to enforce the provisions of this act. In general these provisions are as follows:

1. Section one provides that no child under fourteen (14) shall be permitted to work at any gainful occupation in any theater, concert hall or place of amusement where intoxicating liquors are sold, or in any mercantile institution, store, office, hotel, laundry, manufacturing establishment, bowling alley, passenger or freight elevator, factory or workshop, or as a messenger or driver therefor in this state.

2. That no child under fourteen (14) shall be employed at any work for wages during any portion of any month when the public schools are in session, nor employed before 7 A. M. or after 6 P. M. and no child shall be allowed to work more than eight (8) hours in any one day. This last provision repeals the similar one in the act of

1897 which spceifies that the (10) hours shall be the maximum per day. This provision with respect to children under fourteen (14) is supplemented by Section 10 of the act which forbids labor by children under sixteen (16) more than forty-eight hours in one week or eight (8) hours a day, or before seven in the morning or after seven in the evening. Notices of such hours are to be furnished by the State Factory Inspector and kept posted in every room where minors are employed.

3. Section two provides that every person who employs minors between the ages of fourteen (14) and sixteen (16) in the enumerated establishments in Section one (with the exception that no particular designation is made of places where intoxicating liquor is sold) shall keep a register in which shall be recorded the name, age, and place of residence of every such child employed, and shall require of the child the production of an age and school certificate, stating his age, grade in school, that he can read and write legibly simple sentences; such age and school certificates to be placed on file and to be accessible to the inspector.

Section three provides that "wall lists" shall be kept posted in every room where minors between the ages of fourteen (14) and sixteen (16) are working, showing name, age, and place of residence.

Other sections deal with the requirements of age and school certificates, disposition of the certificate at end of employment, and with requirements as to schooling.

The applicant for an age and school certificate must present a school attendance certificate signed by the teacher, certifying to the grade, literacy or illiteracy, and age (upon the school record) of the child. Upon the presentation of this school attendance certificate, an age and school certificate (entitling the child to work) is ordinarily issued as a matter of course.

Age and school certificates are to be approved only by the superintendent of schools or by a person authorized by him in writing, or where there is no superintendent, by a person authorized by the school board; but superintendents or principals of parochial schools have the same power as superintendents of schools. No person has authority to approve certificates for a child who is to enter his own employ or the employ of a concern with which he is connected. Those authorized to issue age and school certificates are also authorized to administer oaths. It is the duty of the school authorities to make provision for the issuance of such certificates.

Proof of age for the age and school certificate is furnished by the last school census, certificate of birth or baptism, register of birth with town or city clerk, or by records of public or parochial schools. The oath of the parent is taken in absence of above proof, the oath to be made before the juvenile or county court, and the court *may* issue an age certificate.

A duplicate of the age and school certificate is required to be filled out and sent to the State Factory Inspector's office. The employment certificate is issued in the name of, and belongs to, the child. The certificate is produced to and kept on file by the employer, and is sur-

rendered to the child when he leaves the employment. If not claimed by the child within thirty days it is to be returned to the issuing school authority.

In case a child cannot read and write legibly, the employer is required to keep a list of such children under sixteen (16) who are not attending night school, for production, on demand by the inspector. In case of children between fourteen (14) and sixteen (16) who cannot read and write simple sentences, there must be a certificate that he or she is regularly attending a public or parochial evening school, and the age and school certificate continues in force just so long as the regular attendance of such child is certified weekly by the teacher or principal of an evening school. The age and school certificate must itself contain a statement of school attendance where the child is illiterate, but contains no provision which makes it necessary that the issuing authority pass in each case upon the question of literacy. Perhaps in most cases the question is not raised when application is made for a certificate. The school certificate is prima facie evidence of the literacy or illiteracy of the child.

Where there is no evening school or when no evening schools are in session, no age and school certificate may be approved for a child under sixteen (16) who cannot read at sight and write legibly simple sentences. The child labor act, therefore, expressly forbids the issuance of age and school certificates to illiterate children under sixteen where and when there are no evening schools and unless the children are in attendance upon such schools, but this prohibition is later qualified by a proviso that there shall be no employment of such children between the ages of fourteen and sixteen "while a public evening school is maintained in the town or city in which such minor resides, unless such minor is a regular attendant at such evening school."

The act (section 11) forbids the employment of children under sixteen (16) (1) in certain designated occupations (those regarded as hazardous), and closes with a general prohibition of their employment in any other place considered dangerous to their life or limb, or where their health may be injured or morals depraved, thus leaving to the state factory inspector some authority to determine, in the first instance, at any rate, what places come within the terms of the prohibition; (2) of children under sixteen (16) in theaters, concert halls, or places of amusement, where intoxicating liquors are sold, and the employment of females under sixteen (16) in any capacity where such employment compels them to remain standing constantly.

The act of 1903 provides that upon written complaint to the school board or local school authorities that a minor (whose name shall be given in the complaint), is employed contrary to the provisions of this act, it shall be the duty of school authorities to report the same to the State Factory Inspector.

The foregoing are the principal provisions of the child labor law, with the enforcement of which the department of state factory inspection is charged. The act of 1897 is, therefore, practically displaced by the act of 1903. Likewise the sections of the act of 1893, dealing with child labor, are also superseded by the last act, except

the provision in the act of 1893 conferring authority upon the state factory inspector to require a certificate of physical fitness from a physician in case of children who may appear to him physically unable to perform the labor at which they may be engaged. The factory inspector's office, however, did not even know of this provision, and has proceeded on the assumption that the act of 1903 replaces all previous legislation.

Section 28 of the coal mining act of 1911 forbids labor in mines by any boy under the age of sixteen years, or by any woman or girl whatever. A certificate of age is required, but there is no provision that this certificate shall be open to inspection by the state mine inspectors, to whom the enforcement of the mining act is committed.

Of great importance in connection with the enforcement of the child labor laws are the provisions of the school law with respect to compulsory education. These provisions may be found in sections 274 and 275 of the revised school act of 1909. Every person having control of any child between the ages of seven and sixteen is required to cause such child to attend some public or private school for the entire time during which the school attended is in session, which shall not be less than six months of actual teaching; several exceptions are made, of which the most important is that as to children between 14 and 16 who are necessarily and lawfully employed during the hours when school is in session. Truant officers are required to be appointed for the enforcement of compulsory school attendance.

It may be noted that the public school law makes an exception in favor of children "necessarily and lawfully employed." The word "necessarily" may perhaps be interpreted to excuse from school attendance only those children between fourteen and sixteen whose earnings are necessary to the support of themselves and their families. Such an interpretation is, however, not at all clear, and the issuance of age and school certificates can hardly be refused on this ground. If it is intended to confer a discretion as to this matter upon those administering the child labor laws, the intention should be made clear by the language of the statute. As a matter of policy it would be desirable to limit child labor to cases of economic necessity. On the other hand an official discretion in this matter is very likely not to be used, and if used, may be employed arbitrarily. On the whole it is better to raise the limitations for all children rather than to forbid labor of certain children because of pecuniary considerations.

It may be well to mention in this connection, the provisions of an act of 1877, now printed in the Criminal Code, secs. 42a to 42e, dealing with the subject of child labor. Section 42a makes it unlawful for any person having the care, custody, or control of any child under the age of fourteen (14) to exhibit, use or employ him in any manner in any exhibition or vocation injurious to the health or dangerous to the life or limb of such child. Section 42b makes it unlawful for any person to employ or exhibit or have in custody any child for the purposes prohibited in Section 42a. Section 42d makes it unlawful for any person having the care or custody of any such child wilfully to cause or permit the life of such child to be endangered, or will-

fully to cause or permit such child to be placed in such a situation that its life or health may be injured. General penalties are provided for violations of the act. This legislation was amended in 1895 (Criminal Code, Secs. 492-497) so as to forbid certain other specific exhibitions of children under fourteen (14). Prohibitions in general terms of practices injurious to health or dangerous to life or limb are also included in the act of 1895. These acts are not enforcible by the state factory inspector's office.

The reports of the chief state factory inspector show that much attention has been given to the enforcement of the child labor acts, but the reports to 1909 do not give a clear notion of just what has been done, confining themselves mainly to elaborate lists of firms whose establishments were inspected. With the increased duties placed upon the factory inspector to inspect under other laws, the amount of attention devoted to the child labor laws has apparently decreased. For many of the smaller communities the number of inspections reported under the child labor law seems to be much greater than the number of establishments in which child labor may have been employed. This statement holds for statistics published in the report of the department for December 16, 1910-June 30, 1912, and is further borne out by the statistics in the report (in manuscript) for 1912-13. This suggests a possible doubt as to the value of statements indicating a large total of inspections.

In Chicago the issuance of age and school certificates is handled by the public school authorities in co-operation with the factory inspector, and two clerks from the factory inspector's office devote their time to work connected with the issuance of such certificates. With some of the more important religious denominations in Chicago, co-operative relations have also been established in the issuance of such certificates. But outside of Chicago not a great deal of attention seems to have been paid to relations with the schools.

Several defects in present legislation may be pointed out:

(1) It is easy for a child to obtain an age and school certificate by transferring from a public school to a parochial school, or vice versa, and stating his age as over 14 to the school to which he transfers. It is difficult to discover the deceit in such a case.

(2) Children between 14 and 16 unable to read and write simple sentences must attend night school while holding certificates enabling them to work. This provision should relate to all children unable to read and write simple sentences *in English,* but even the present provision is largely unenforced. It would also be desirable to have some test in arithmetic. Perhaps a definite standard of education may be obtained by requiring completion of the fifth grade or its equivalent. Each employer should be required to keep on file a separate list of all illiterate children in his employ. A system of vocational education is essential to supplement the child labor laws.

(3) The relations between the schools and the factory inspector should be much closer, especially in view of the fact that visits of inspectors are infrequent outside of Chicago. Instead of being limited

expressly as to the manner of reporting violations of the child labor law to the factory inspector, the school authorities should be themselves empowered and required to prosecute in case of violations coming to their attention. Some power of inspection should also be vested in the school authorities.

(4) The factory inspection department has suggested that all school certificates should be issued through its office and that certificates when surrendered should be returned thereto. For Chicago this may be desirable, but if duplicates of the age and school certificates for the entire state were sent to the Factory Inspector's office (as is now required by law) the time required to handle them would probably be too great, although, if the state were divided into several large inspection districts, it might be feasable to handle these duplicates at the offices of such inspection districts. But the factory inspection department has not now, and is not likely to have in the near future, a sufficient number of inspectors to issue age and school certificates throughout the whole state. In each city or community a record of age and school certificates issued should, however, be kept in some one place, and to this place should be sent a report of all certificates, whether issued by public or parochial schools. Uniform records of these matters should also be required of all schools.

It should also be possible for both the school and factory inspection authorities to know just where each child is employed. This may be accomplished by requiring certificates to be issued for work with a particular employer. When the child leaves employment, the employer may be required to return the certificate to the issuing authority. The child in taking a new position could then be required to obtain a new certificate, which might be issued as a matter of course, on the basis of records already on file in the issuing office.

An effective enforcement of a child labor law also makes it necessary that a record be kept of all cases in which age and school certificates were refused.

(5) A desirable change in the law, recommended by the factory inspector's office, is that the age limit for work by girls be in all cases raised to sixteen years.

(6) The statutory provision regarding physical fitness of children should be enforced, and should be supplemented by legislation requiring a medical certificate of physical fitness in every case as a condition precedent to a child's employment. For legislation of this character see Second Report New York Factory Investigation Commission (1913) Vol. I, pp. 359-361. Requirements regarding physical fitness should be enforced by medical inspections of the department of factory inspection, either upon complaint or upon the initiative of the department. It will be necessary to have the school authorities provide for a physical examination of children at the time when age and school certificates are issued.

(7) It has been urged that the law should be so amended that the affidavit of parents and the school record should not be accepted as proof of age, in the absence of more satisfactory evidence. This can hardly be done, especially in view of the absence of official

records of birth, etc., in this country. If the law is altogether to forbid labor by children between fourteen and sixteen in a large number of cases it should do so directly, not indirectly. It is, of course, desirable, and in time it may be possible to forbid labor before the age of sixteen. To refuse to accept oaths of parents and school records in the absence of other records, would forbid labor between fourteen and sixteen for large elements in the state. Statements of parents and school records should not be accepted without verification. Children under fourteen can to a great extent be prevented from working (even with the present methods of proof of age) if a physical examination is in each case required for a certificate, with the enforcement of a standard in such examination such as can only be met by a normal child of fourteen. This test might well be supplemented by a stricter educational test.

(8) The Illinois Act of 1903 (sec. 1) forbids employment of children under fourteen at gainful occupations in certain enumerated establishments. The enumeration seems rather complete but may not include everything. The act continues by prohibiting employment of children under fourteen for wages or other compensation during any portion of any month when the public schools are in session, and by regulating the hours of labor of children under fourteen. The act itself, therefore, expressly recognizes the legality of some gainful labor by children under fourteen when the public schools are not in session. Yet the law does not require age and school certificates, registers, etc., for children under fourteen employed during vacation. This may make some difficulty in the enforcement of the child labor act when the schools are not in session.

Butterine and ice cream inspection act. The object of the butterine and ice cream inspection law enacted in 1907 is to make it compulsory upon all manufacturers of butterine and ice cream to maintain their establishments in a thoroughly healthful and sanitary condition. To this end the act lays down specific regulations as to drainage, plumbing, ventilation, foundations and construction. Penalties are provided in the act for any violation of its provisions and it is expressly made the duty of state factory inspectors to cause an inspection of all such manufacturies; to order alterations to be made, and to order a general compliance with the specific rules of the act, that the building may be put in a condition conducive to proper and healthful sanitation. The factory inspector may require the whitewashing of walls at regular intervals, and may also require that the woodwork be painted. It is made the duty of the factory inspector to issue a certificate to such manufacturies as are found to have complied with all the provisions of the act.

The report of the factory inspection department for 1911-12 indicated 46 inspections under this law, none of which were in Chicago. There were no inspections in Springfield, Aurora, Champaign and numerous other cities. Such inspections as were made were probably incidental and more or less haphazard. The function here undertaken is largely one belonging to local boards of health. The powers conferred by this act should be transferred as soon as possible to the

state food commissioner, who now has authority to inspect and actually inspects establishments of the same character. The factory inspection office has enough to do within its own proper field, and at present there is a duplication of function. The chief state factory inspector agrees that the duties under this law should be transferred.

Act for the protection of employees engaged in structural work. This act, passed in 1907, provides in general for the protection and safety of persons engaged in the construction, alteration, repairing, or removal of buildings, bridges, viaducts and other structures. As in the case with other acts the enforcement of which is committed to the department of factory inspection, the act lays down specific requirements in detail and directly imposes the primary obligation upon the manufacturer or other person covered by the act. It is the duty of the state factory inspector to make inspections and to say whether or not the specific requirements of the act have been complied with. The act for protection in structural work contains provisions relating to the construction of scaffolds, hoists, cranes, safety rails, etc.; how joists are to be supported, the weight to be borne, floors to be constructed and machines elevated, etc.

It is the duty of all contractors and owners when constructing buildings or bridges to know the provisions of this act and to comply therewith. From the wording of this statute, it is not made the express duty of the state factory inspector to make inspections of all buildings, bridges, etc., but the act provides that whenever it shall come to the notice of the state factory inspector that any buildings, etc., in process of construction, are unsafe or liable to prove dangerous to the life or limb of any person, it shall become his duty immediately to cause an inspection to be made. If, after examination, it is found that the provisions of the act have not been complied with, it is the duty of the inspector to notify the person responsible and to require him to alter or reconstruct such parts of the building as may be necessary to avoid danger. If a building under construction is more than five stories high, no material used is to be hoisted over the street unless the street is barricaded.

The chief officer of the city, town or village and the state factory inspector are charged with the enforcement of the act. In all cities of the state where a local building commissioner is provided for by law, he is charged with enforcement of the provisions of this act, "and in case of his failure, neglect or refusal so to do, the state factory inpector shall, pursuant to the terms of this act, enforce the provisions thereof." The reports of the state factory inspector dealing with this act do not show that the local authorities thus designated have actually participated in the enforcement of the act. If they have, and their reports have been sent to the state inspector, no tables are shown which would separate the work done by them and the work done by the state department. Nor is any statement made in the reports tending to show any relation between the factory inspection department and local authorities in the enforcement of this act. At present there are no relations in the enforcement of this act between the factory

inspector's office and the local authorities. Any person injured has a right of action for damages occasioned by a wilful failure or refusal to comply with the provisions of this act.

Tables of the factory inspector's report for 1909 show the number of inspections made, the location of each structure, the name of the owner and contracting architect, and the nature of the work going on. One table shows the kind of materials used in each building inspected, the orders issued, and states whether or not violations were found. In still another table the names of the same structures are again repeated, with the following data: Size of the building or bridge, numnot the condition of the structure was approved by the inspector, and remarks. Under the head of remarks the table shows whether or not the condition of the structure was approved by the inspector, and if not the table shows the specific defects in the manner of construction noted by the inspector, and the time when he made the inspection. The number of prosecutions and violations are also shown. It may be noted that practically all of the reports dealing with the administration of this measure had to do with inspections made in Chicago and Cook County. In the report of 1909, only three inspections are noted as having been made outside of the city of Chicago; one at Chicago Heights, one in Argo and one at Milwaukee and Addison Avenues. The report covering the period from December 16, 1910 to June 30, 1912 shows twelve inspections outside of Cook County, of which one was at Springfield and two at Decatur; the other nine inspections noted as outside of Cook County were not so. The report of 1912-1913 (in manuscript) shows that no inspections under this law were made outside of Chicago. As administered this law is very little more than a supplement to the building ordinances of Chicago, and would lead in that city to duplicate inspections for practically the same purposes. The law should be more generally enforced or the duties under it transferred from the department of factory inspection.

Health, Safety and Comfort of Employees. This act, adopted in 1909, but in effect Jan. 1, 1910, provides in general for the health, safety and comfort of employes in all factories, mercantile establishments, mills and workshops in this state. It goes into great detail in providing for the maintenance of safe conditions in these establishments. Provisions are found on the following subjects: All power driven machinery and numerous other dangerous appliances, to be located so as not to be dangerous to employes, and to be properly enclosed, fenced or otherwise protected; all dangerous places in or about mercantile establishments, factories, mills or workshops to be properly enclosed, fenced or otherwise guarded; no machine may be used where it is known to be dangerously defective and no repairs are to be made when the machine is in motion. The act provides when safeguards may be removed; that certain means be provided for disconnecting power; for disengaging devices; power controlling devices; devices where machines are arranged in groups; additional safeguards and safety devices on hoisting ways; and has provisions dealing with tampering with machines, and with traversing carriages.

To secure proper healthful conditions in such places the act provides that employes are not to take food into certain factories. (This matter is now more fully covered by section 7 of the occupational diseases act of 1911.) Seats for female employees must be provided to be used when such employes are not necessarily engaged in their active duties. There are provisions requiring the temperature to be equable; provisions relating to ventilation and the amount of air space necessary, provisions requiring that noxious fumes and gases be removed (now more fully covered by section 8 of occupational diseases act), that all refuse be properly disposed of, that adequate means of escape in case of fire be made, provisions dealing with the proper construction of doors, stairways, floors, passageways, water closets, washing facilities, dressing rooms and lights. It is specifically provided that the requirements of this act shall not repeal the act of 1897 relating to plumbing or any local ordinances requiring standards equal or superior to those of this act.

It is the duty in the first instance of every person or corporation to which the act applies to carry out all its provisions, and to make all the changes and additions necessary therefor. To insure the enforcement of the act it is expressly made the duty of the state factory inspection department to enforce all its provisions and to prosecute all violations of the same. It is the duty of the state factory inspector or his assistants to visit and inspect at all reasonable times all factories, mercantile establishments, mills and workshops to which the act applies. Obstructing an inspector is punishable by fine. It is also the duty of inspectors to give proper notice to the person owning or managing such establishment of any violation of the act. Power is conferred upon the department to order unsafe conditions in factories to be remedied; and when such order is not carried out, it is then the duty of the state factory inspector to prosecute. When changes complying with the laws have been made the same shall not be disturbed for twelve months as to location of machines or as to ventilation.

With the idea of providing for the dissemination of general knowledge of this act, it is made the duty of the chief inspector to keep on hand copies of its provisions and to supply requests for the same insofar as it is necessary to carry out this purpose. In order that the workmen may be informed of the provisions of the act, it is also made the duty of the state factory inspector to prepare a notice covering the salient features thereof and to have the same posted in a conspicuous place in every office and work room of every establishment covered by its provisions. While charged primarily with the enforcement of the act, the state factory inspector is under certain conditions authorized to accept a report of inspections conducted by city authorities who act under city ordinances, in lieu of inspections required by this act. To this extent is the department of state factory inspection related to the local authorities. No close relations have been established between the factory inspection department and local authorities and no reports of inspections have been made by the local authorities.

Hours of Labor of Women. An act of 1893 limiting the hours of labor of females in any factory or workshop to eight hours a day was

declared unconstitutional in Ritchie v. People, 155 Ill., 98. The statute enacted in 1909 forbade the employment of females more than ten hours per day in mechanical establishments, factories or laundries, but as amended in 1911 it applies to the following establishments: Mechanical or mercantile establishments, factories, laundries, hotels, restaurants, telegraph and telephone offices, places of amusement, express, transportation or public utility companies, common carriers, public institutions, incorporated or unincorporated.

The act, as amended in 1911, also provides that all employers shall keep a time book showing for each day the hours during which each and every female is employed. The department of factory inspection is expressly charged with the enforcement of the act. The state factory inspector is not expressly charged with the duty of making inspections, but practically all of the establishments covered by this act are included in other acts by authority of which the factory inspector is required to make inspections. However, the absence of express authority to inspect and of penalties for obstructing inspection has made some trouble. The chief factory inspector also calls attention to the fact that the only penalty imposed for the violation of the act is that of a fine, without an alternative of imprisonment. It would also be desirable to make clearer the criminal liability for a false time record, and to provide a penalty for such falsification equal to that imposed for violating the provision with respect to hours of labor.

Protection from Occupational Diseases. The broad requirement of this act, adopted in 1911, is to compel all employers of labor to adopt and provide reasonable and approved devices, means and methods for the prevention of industrial diseases. In addition to this general requirement, the act designates certain processes which are deemed essentially dangerous. With reference to these specifically designated industries the act goes farther and lays down certain prohibitions and more detailed requirements. For example, it is provided that clothing shall be provided for employees while at work, that suitable provision shall be made for employes to take their meals, for dressing rooms and lavatories, for certain devices necessary for carrying off poisonous fumes, for cleaning of flues and scrubbing of floors. All receptacles are to be covered, refuse removed, etc. Such is the nature of the substantive provisions of the act.

The act is directed to the individual employers themselves. They are required, under penalty, to conform to the specific rules laid down in the statute. To secure the enforcement of the act, however, it is provided, with reference to those industries expressly designated, that every such employer therein, shall himself cause all employees in his establishment who come in contact with poisonous agencies or injurious processes to be examined by a competent physician once each month for the purpose of ascertaining whether any employe is afflicted with any industrial disease due to the character of the work in which he may be engaged. After such examination the physician is required to make a report of each examination made, in which he must show the name, address, sex and age of each employee, the name of his employer, the nature of the disease found, if any, the probable extent

and duration thereof and the last place of employment. This report is then to be sent to the state board of health, and the board of health is required to transmit a copy to the department of factory inspection.

The act imposes upon the department of factory inspection the duty of inspecting all places covered by its provisions. It is the duty of the state factory inspector to determine whether there is any violation, and if so, then to order the employer to install any approved device, means or method which in his judgment is reasonably necessary to protect the health of the employees therein. Furthermore, and more generally, if the factory inspector finds any industrial disease or if such disease is called to his attention by the state board of health then if, in the opinion of the inspector, such disease is caused by a failure on the part of the employer to adopt reasonable appliances, means and methods which are known to be reasonably adequate and sufficient to prevent the contraction or continuance of any such disease or illness, it is his duty to order the employer to install adequate and approved appliances, means and methods.

The information regarding unhealthful conditions is therefore derived through two separate channels: (1) from the copies of physicians' reports made to the state board of health and furnished by this body to the department of factory inspection; (2) from personal inspection of the factory inspector. It rests with the factory inspector to determine, in each case, whether or not the existence of the disease is due to failure on the part of the employer to provide appliances, means and methods which are supposed to prevent such disease. It is then his duty to order the changes which in his judgment are reasonably necessary to protect the health of employees.

Additional requirements are made of the factory inspector such as the duty of preparing notices of the salient features of the act and of furnishing such to employers, and the duty to see that such notices are kept posted by employers. The act penalizes obstruction of inspectors and also provides for prosecution of violations by the state department of factory inspection. There is provision also for a right of action by the employee for injury or death in case of "wilful violation of the act" or "wilful failure to comply with any of its provisions."

The acting secretary of the state board of health and the chief state factory inspector both agree that no advantage is derived from having reports under the occupational diseases act go first to the board of health. This arrangement occasions delay and should be changed so that physicians' reports may go directly to the factory inspector's office.

The state factory inspector's office is of the opinion that no penalty is provided by the occupational diseases act for false reports by physicians, but this is apparently not the case. The difficulty is that a physician is required to report disease if found and a penalty for false reporting, no matter how specific, could not effectively require conscientious reporting. The difficulty discovered in the enforcement of the act is that of perfunctory reporting. Physicians under contract make examinations of workmen which are of too casual a nature to disclose the presence of an occupational disease, and report that no such disease was found. There may have been no false reporting, the

specific terms of the act have probably been complied with, yet the purpose of the act is defeated. Something may be accomplished by inspections and examinations, upon complaint or otherwise, by the medical officers of the factory inspection department.

Other Acts enforcible by the Factory Inspector's Office. The wash room act of 1913 (Laws, 1913, p. 359) is committed for enforcement to mine inspectors, factory inspectors and other inspectors.

The factory inspector's duties are purely statutory, and he, therefore has no authority to enforce legislation not expressly committed to his office.[1] The duty of enforcing certain legislation is not committed to the department of factory inspection, e. g., the act of 1913 regarding semi-monthly payments of wages by corporations (Laws, 1913, p. 358); the act of 1913 for the protection of chauffeurs of automobiles or auto-trucks (Laws, 1913, p. 334); the act of 1913 regarding mason's examining boards in cities of over 15,000 (Laws, 1913, p. 356); the child labor provisions of the criminal code; the specific provisions in the mining law regarding labor by women and children. The provisions of the mining act are enforcible by mine inspectors, but the other laws here enumerated are enforcible only by criminal penalties.

Relation of Department of Factory Inspection to other State Offices.

The department of factory inspection is directly responsible only to the chief executive. The chief inspector, his assistant and deputies are appointed by the Governor. The annual report of the chief inspector is made to the Governor. The Governor may require special investigations into the conditions of labor in the state to be made by the department. The chief inspector's duties are expressly provided for and it is his duty to see to it that all the provisions of the acts discussed above have been complied with. If the provisions of these acts are not observed, then the resultant duty is imposed upon him of prosecuting all violations and issuing all orders necessary to compel an observance of the law. But in the performance of all these duties he owes no duty to the other state departments.

There is some connection, however, between the department of factory inspection and the state board of health, in the enforcement of the act dealing with occupational diseases. Primarily the enforcement of this act is committed to the state factory inspector. Inspections must be made by him, the necessary orders issued, and violations prosecuted. But monthly medical examinations are required as to employees in certain enumerated industries, and the reports of such examinations are first transmitted to the state board of health. The act then provides that a copy of such report is to be sent to the department of factory inspection. Section twelve makes it the duty of the state factory inspector, when notified of the existence of any industrial disease by the state board of health, to order a compliance with this act. With this exception, the functions of this department are performed independently of other authorities having to do with the enforcement of labor legislation.

(1) Report of Attorney General, 1912, p. 1087.

Relation of the Department of Factory Inspection to Local Authorities.

For the most part also the department of factory inspection conducts its work independently of, and without reliance upon assistance from local authorities. Its functions fall naturally under three general heads, (1) that of making inspections, (2) issuing orders to compel the observance of the requirements specifically set out in the separate statutes, and (3) prosecutions for violation. Upon the thirty deputy inspectors, in the first instance, falls the duty of performing these three functions, under the guidance and supervision, of course, of the chief state factory inspector and his assistant. In several cases, however, powers with respect to labor legislation are exercised by local authorities. Under the child labor law the superintendents of schools, and in the absence of a superintendent, then the school board, are required to approve age and school certificates of children between the ages of 14 and 16. Under the act to regulate the manufacture of clothing the powers granted to the state factory inspector are also granted to city boards of health. In the enforcement of the act they exercise concurrent power, with the single exception that city boards of health are authorized, in certain instances, summarily to destroy clothing found by them to be infected with contagious diseases.

In like manner, under the act requiring the use of blowers on metal polishing wheels, all sheriffs, constables and states' attorneys may exercise the same power as does the state factory inspector. Under the act providing for the protection of employees engaged in structural work local authorities in cities, towns and villages, charged with the enforcement of the building laws, are granted the same power as is conferred upon the state factory inspector. In the last two cases, very little direct relation between the two authorities exists.

Under the act providing for the health, safety and comfort of employees, the relation under the law between the department and local authorities is more direct. The provision is as follows:

> Whenever any inspection . . . . . is required to be made by the ordinances of any city, town or village of a standard equal to that of this act and the inspection required by such ordinances has been made, then and in every such case such inspection shall be accepted by the chief state factory inspector . . . . . as a compliance in that respect with the provisions of this act; and it shall be the duty of the person for whom such inspection has been made to furnish the chief state factory inspector . . . . . with a copy of the report of the inspection made under such ordinances.

The effect of this provision seems to be, therefore, to relieve the state factory inspector from his obligation to make inspections of establishments which have already been inspected by local authorities. Nothing is said as to the general character or nature of the report which is to be sent to the factory inspection department, nor as to who shall determine whether or not the inspection conducted by the local authority is equal to that required by the statute. As a matter of fact this provision for the acceptance of local inspections is entirely disregarded in practice, although with respect to workshops there has in the past been some acceptance of sanitary inspections made by the Chicago department of health.

Much more effective service might be rendered and some duplication of work avoided by a close co-operation of the factory inspection

department with the city governments in the larger cities. This is especially true with reference to Chicago. Under the bureau of sanitation of the Chicago department of health there is an inspection of workshops which duplicates to a large extent that required of the state department of factory inspection under the garment workers' act (1893) and the health, safety and comfort act (1909). Under the Chicago department of buildings there is an inspection which duplicates that required by the structural workers' act (1907). Under the fire prevention bureau of the Chicago fire department there is an inspection of buildings which in part duplicates that required for the enforcement of the health, safety and comfort act (Secs. 14, 15). The enforcement of the fire escape act of 1899 is expressly vested in local authorities. It may be of value to provide, as is done in New York, that municipal ordinances in the field of labor may also be enforced by the state labor department. The further step may also well be taken of permitting local authorities, under authorization from the state labor department, to exercise the powers of state inspectors.

General survey of organization and work.

Reference has been made to the fact that, under the law, the factory inspector is required to divide the state into inspection districts, and to assign inspectors to such districts. According to the present chief factory inspector there never has been any such districting, although for Chicago there is an informal districting by wards in the absence of special assignments to inspectors. Ordinarily no inspector is assigned to inspect territory in his own senatorial district.

The State factory inpector says that on an average, ten inspectors are at work in the territory outside of the metropolitan district of Chicago, although in February, 1914, there were only seven. During about four months of each year, when the large Chicago establishments are being inspected, all inspectors are called to the Chicago office.

The inspection force is organized on the line of specialized function rather than by geographical divisions. There are inspectors who have specialized on machinery, child labor, structural work, ventilation, etc. Three types of inspection work are committed to the department, (1) one highly technical, requiring a good knowledge of machinery, (2) another requiring medical or chemical knowledge, and (3) a third requiring not so much technical knowledge as general ability, to this class belonging inspection under the child labor and women's labor acts. Some degree of specialization of function is necessary therefore, in order to accomplish the best results, but all types of inspection are perhaps in most cases made by the same inspector, especially for the smaller establishments.

The reports of the factory inspection department have occasionally printed a specimen of a report of an inspection. Such specimens, covering in detail every point which may possibly give rise to danger or violation of the law, are misleading. With the present force of inspectors it is out of the question to inspect frequently all of the establishments of the State, and many are probably not inspected at all. Inspections when made must necessarily be more or less casual, except as respects the more dangerous machinery and the more dangerous

processes. Where improper conditions are found a reinspection is made in order to discover whether the orders of the department have been carried out.

Perhaps it may be worth while here to call attention to the fact that legislation since 1907 has at least trebled the work placed upon the department of factory inspection, while during the same period the number of deputy inspectors has been increased from 25 to 30. It has been impossible to enforce effectively all labor legislation for the whole state, and the tendency to some extent at least has been to devote attention primarily to Chicago. Under the structural worker's law, for example, no inspections were made outside of Chicago in 1912-13. This is an exceptional case.

Most of the legislation enforced by the department of factory inspection places a positive duty upon the employer, and makes him liable in damages to a workman injured through non-compliance with the law, but this burden is not sufficient to compel compliance. (Perhaps if all legislation permited recovery of treble damages in such cases, this would be a deterrent, but such a plan is objectionable. The workmen's compensation law imposes no greater burden upon employers under it where a workman is injured because of the employer's non-compliance with statutory safety requirements.) In many, if not most cases, the employer will wait until action is taken by the inspector. This is especially apt to be true where, as under the occupational diseases act, a general duty is imposed upon industries other than those enumerated as especially dangerous to health, with a duty upon the inspector in certain cases to require devices "which are known to be reasonably adequate and sufficient." (Sec. 12 of act.)

In a recent number of the American Labor Legislation Review[2] it was said that "An army of the most skilled factory inspectors would be totally unable to enforce every provision of the factory laws. Moreover, few inspectors, even with previous technical training, would be able intelligently to pass upon proper provisions for safety, comfort and health in a succession of establishments including processes and danger points so varied as those to be found in the manufacture of steel and silk, carpets and chemicals, shirt waists and shovels, or in the construction of skyscrapers and subways."

In terms the laws of Illinois may be satisfactory, but the terms of the law alone amount to little. In order effectively to enforce safeguards in industry it is necessary:

(1) To have an effective reporting of accidents and occupational diseases, so that the danger points of industry may be easily detected.

(2) To penalize in some way the occurrence of preventible accidents. This may be done by imposing a heavy liability upon the employer in favor of the injured party, or (in states which have adopted an industrial insurance plan of workmen's compensation) by varying the rates of insurance in accordance with the number of accidents in any particular establishment.

(3) To make a greater use, if possible, of inspections upon complaint. Some inspections are now made upon complaints (which are

(2) December, 1913, p. 44.

usually anonymous) coming to the office, but the number of such inspections is relatively small.

(4) To have a closer co-operation of the factory inspection department with local authorities, and with other state inspection services. For example, the enforcement of the wash room act of 1913 is committed to mine inspectors and to factory inspectors; and one of the 1913 amendments to the coal mining act provides that mine inspectors "shall hold a certificate from any national or state commission or bureau or other recognized agency." With respect to local co-operation much may be done in Chicago with respect to workshop and building inspection, where there is at present a good deal of duplication.

(5) To have a scheme of safety rules for each employment worked out by co-operation between employers and employees. Statutory rules are difficult of quick adjustment to the shifting needs of industry, and cannot be carefully adapted to the conditions of each field of employment. Moreover, the education of employers and employees is the most essential step in the enforcement of safety requirements, and this education can best be accomplished by a co-operative working out of safety rules by those actually engaged in the industry itself.

However, a larger force of inspectors is also necessary if the factory laws are to be effectively enforced, and there must be some assurance that the inspectors are competent and receive adequate salaries. A salary of $1,200 is inadequate, and appointment by the Governor is not a satisfactory means of obtaining competent inspectors. If higher salaries for inspectors are provided, there should be some grading of salaries so that promotion in the service may come as a result of efficient work.

The reports of the department should indicate the actual work done during each year. The report for 1909 is a bulky volume made up of tables of inspections, which are almost, if not wholly valueless. Steps have already been taken by the Chief of the Department of Factory Inspection and the Printer Expert to remedy this condition, and the report for 1912-13 (in manuscript) represents a distinct advance. The 1912-13 report does not show, however, for many of the laws, how widely inspections were distributed. A statement of the number of inspections made in Chicago and Cook County and of the number made outside of Cook County does not indicate much as to the enforcement of factory laws throughout the state at large. (Under some of the laws the distribution of inspections throughout the state is given.) The report for December 16, 1910-June 30, 1912, is a distinct improvement over that for 1909, but the value of a report is, to a large extent diminished by the delay in issuing it. Until the spring of 1914 the latest report of the department of factory inspection in print was that of 1909. A periodical bulletin has recently been started by the department, and through it information regarding factory inspection work should be kept fairly well up to date.

In order to enforce the various labor laws committed to it the department of factory inspection should have a complete list of all establishments subject to its inspection, but it has no such list. Nor, apparently, has any careful survey of the state ever been made so as

to determine the distribution of various industries subject to inspection. Under the occupational diseases act this is especially necessary if all industries (both those specifically enumerated in the law itself and those generally covered) are in fact brought under the regulations of the act. The garment workers' act of 1893 required persons occupying or controlling a workshop to notify the local boards of health. This statutory provision is still in force but has probably never been complied with. The Chicago ordinances (Chicago Code, 1911, p. 506) require an annual license of workshops, and this requirement, if fully enforced, should result in the obtaining of a complete record of such establishments in Chicago. In New York recent legislation requires the registration of factories, and such legislation should be enacted in Illinois.

Prosecutions for the violation of factory laws are handled for Chicago by the attorney of the factory inspector's office, and outside Chicago prosecutions are managed by the inspectors alone or by the inspectors with the assistance of the state's attorney. The act of 1907, as amended in 1911 (R. S. 1913, Ch. 48, Sec. 77) provides that "it shall be the duty of the state's attorney of the proper county, upon the request of the chief factory inspector or his deputies, to prosecute any violation of the law which it is made the duty of the factory inspector to enforce. And it shall be the duty of the attorney for such department to prosecute, when requested by the chief state factory inspector, any infractions or violations of law which are now or may be hereafter made the duty of the factory inspector to enforce." The salary of the attorney of the department is not high enough to obtain the full time of a competent man.

Most violations of the labor statutes are handled by the department without prosecution, and as to several of the laws such a proceeding is expressly provided for. If, upon inspection, a violation of the law is found, instructions are given and compliance therewith required to be had within a given time. Reinspection is later had (although oftentimes not very promptly) to see if the instructions have been complied with. As to such matters as safeguarding machinery the number of prosecutions is relatively small.

So long as the department of factory inspection has its office in Chicago, where there is sufficient work to take the time of all inspectors, the rest of the state will necessarily be somewhat neglected. This results in part from the fact that there is more work than the present force can do, but in part also because the chief inspector has disregarded the statutory order to divide the state into inspection districts. Some degree of specialization of function among the various deputy inspectors is necessary, but the division of the state outside of Chicago into several large inspection districts would probably lead to a better distribution of attention as between Chicago and other parts of the state.

For the work under the occupational diseases act and for child labor inspections (if the physical fitness provision is to be enforced) the medical side of the factory inspection service should be very much strengthened.

(3) See Preliminary Report, New York Factory Investigating Commission, I (1912) 827.

III. COMMISSIONERS OF LABOR AND BUREAU OF LABOR STATISTICS.

Historical Note.

The bureau of labor statistics was created by an act of 1879. The board of commissioners of labor, five in number, were appointed by the Governor by and with the advice and consent of the Senate, for a term of two years. Of this number three were required to be manual laborers, the remaining members to be manufacturers or employers of labor in some productive industry. They were to meet annually at the State Capitol on the first Monday in September, when they were to organize themselves by electing a president from themselves and appointing a secretary, who was to hold office for a term of two years or until his successor was appointed, the secretary to have no voice in the deliberations of the board nor to be selected from the Commission. No change has been made in the organization of the body since 1879.

The compensation of the commissioners as fixed by the act of 1879 was $5.00 per day for thirty days of each annual session. The secretary received $1,200 per year. In 1903 an amendment was passed which increased the salary of the secretary to $2,500 per annum. The board of commissioners of labor was established to control the work of a bureau of labor statistics, and subsequent statutes oftentimes use the terms "commissioners of labor" and "bureau of labor statistics" interchangeably. The permanent work of the bureau of labor statistics is done by the secretary of the board of commissioners of labor.

As expressed by the act of 1879, the duties of the board were "to collect, assort, systematize, and present in biennial report to the General Assembly, statistical details relating to all departments of labor in the state, especially in its relation to the commercial, industrial, social, educational, and sanitary conditions of the laboring classes, and to the permanent prosperity of the mechanical, manufacturing, and productive industries of the state."

In 1908 the following amendment was added: "It shall be the duty of every employer of labor in this state to afford to the state commissioners of labor or their representative every facility for procuring statistics of wages and conditions of their employees for the purpose of compiling and publishing statistics of labor and of social and industrial conditions within the State as required by law. Any person who shall hinder or obstruct the investigation of the agents of the commissioners or shall neglect or refuse for a period of ten days to

furnish the information called for by the schedules of the commissioners as provided above, shall be adjudged guilty of a misdemeanor and be subjected to a fine of $100."

In 1909 a new act was passed repealing the act of 1879 and its amendments of 1903 and 1908, but this act in effect only added one clause which imposed new duties upon the board of labor commissioners. Before the act of 1909 the duty of the board was "to collect, assort, systematize.....statistical details in relation to all departments of labor in the state, especially in its relation to the commercial, industrial, social, educational, and sanitary conditions of the laboring classes, and to the permanent prosperity" of the State. That is, the board was concerned primarily with labor conditions. The act of 1909 extended the duties of the board to include commercial and manufacturing conditions as well. The provision added in 1909 (though in form the entire statute was re-enacted) imposed the duty upon the board to collect, assort, systematize, and present in biennial report to the General Assembly statistical details of the manufacturing and productive industries of the state, "setting forth such details as the local character of the industry, capital, total output, number of people employed and such other details as will give a total presentation of the industrial and commercial condition and progress of the state; provided, that in no case shall statistics thus published be so arranged as to reveal the affairs of any single industrial or commercial concern."

In addition to the duties thus imposed upon the board by the general act, it has also been concerned with the enforcement of some other acts on the subject of labor.

Accident Reports.

An act of 1907 requires every employer of laborers to report to the state bureau of labor statistics every serious injury entailing a loss of 30 or more days' time. It is the duty of State bureau of labor statistics under this act to cause such reports to be made and to publish, at least once each year on or before January 1st, the general results. The subject of accident reports is fully discussed elsewhere in this report.

Mines and Mining.

An amendment of 1883 to the coal mining act provided for the appointment of mine inspectors upon the report of a board of examiners selected by the bureau of labor statistics, and also provided for the removal of such inspectors under certain conditions by the bureau. Annual reports to the bureau were required from inspectors, and the duty of making reports was extended by later amendments. In 1899 the coal mining act was revised and a state mining board created to be appointed by the commissioners of labor. Mine inspection districts were created, whose boundaries might be changed by the commissioners of labor, and under certain conditions mine inspectors were removable by the commissioners of labor. Each inspector was required to submit an annual report to the bureau of labor statistics, and this bureau was required to compile, summarize and publish such reports under the title of the "Annual Coal Report."

(This series was begun under the bureau, in 1883.) Supplies were furnished to the inspectors by the Secretary of State upon requisition of the secretary of the bureau of labor statistics. A specific duty was further imposed upon every coal operator to afford facilities to the commissioners of labor for procuring statistics of the wages and conditions of their employes, and penalties were imposed for failing to report to, or obstructing investigations by the commissioners.

By an amendment of 1907 the appointment of the State mining board was vested in the Governor, with the advice and consent of the Senate. A complete revision of the mining law was made in 1911, and all the powers and duties before this time vested in the bureau of labor statistics or commissioners of labor under the mining laws were transferred to the state mining board. The reports to the bureau of labor statistics required before 1911 from inspectors and from coal operators now go to the State mining board, and the Annual Coal Report is published by that body.

Private Employment Agencies.

The enforcement of the act relating to private employment agencies is committed to the State board of commissioners of labor and a special officer known as the chief inspector of private employment agencies. Their duties in respect thereto are fully discussed elsewhere in this report.

Free Employment Offices.

The bureau of labor statistics is also interested in the enforcement of the act relative to free employment offices. A superintendent, assistant superintendent, and one clerk for each of the individual offices are recommended by the commissioners of labor to the Governor who appoints with the consent of the Senate. Weekly reports, and the annual report of the superintendents, must be sent to the bureau of labor statistics. The duties of the superintendents of free employment offices are specified in the act, but the act also provides that the secretary of the bureau of labor statistics may require each superintendent to perform other duties in the collection of additional statistical and sociological data.

Workmen's Compensation Act.

Under the act now in force, passed in 1913, an independent body known as the industrial board is created, which has complete charge of the administrative features of the act. But, under the act of 1911, relating to compensation for accidental injuries, these functions in general were performed by the bureau of labor statistics. Reports of accidents, notices of election not to accept the provisions of the act, and reports of all arbitration boards were to be sent to the bureau. Under the present act, however, the bureau of labor statistics has no duties to perform.

Reports of the Bureau of Labor Statistics.

The act creating the bureau requires a biennial report to be made to the General Assembly, consisting of statistical details relative to all departments of labor in the State, and by the amendment of 1909, said

report is to include statistical details of manufacturing industries of the State. Under the accident reporting statute of 1907 an annual report of accidents is required to be published.

The biennial reports of the bureau deal with a great variety of subjects all of which are related in some way to the general condition of the laboring classes. No particular method is specified in the act whereby the bureau is to acquire the information upon which its reports are to be based, nor are there any restrictions as to contents of the report, other than the general one, that they shall deal with all the departments of labor in the State. The bureau within these limits is left to act upon its own discretion and in its own way. At first no authority was vested in the bureau to require employers of labor and others to divulge information which was sought. In their report for 1882, the board of labor commissioners called attention to this lack of authority to require the submission of facts relating to labor, but not until 1908 was an amendment added which makes it the duty of employers of labor to afford to the commissioners every facility for procuring statistics and makes it a misdemeanor punishable by fine of $100 to hinder or obstruct the obtaining of information or to refuse or neglect to furnish the information called for by the schedule sent out by the commissioners.

Nevertheless, during the period from 1879 to 1908 the reports of the bureau were based upon information gained from primary sources. In 1879 letters were sent out to all the members of the General Assembly and to all county and city clerks requesting them to send in to the bureau the names and addresses of a few residents of their respective townships who were working for wages and also the names of a few employers of labor. Twelve thousand names of workmen were sent in and to each individual workman so named the bureau sent a circular containing a variety of questions relating to wages, hours of work, family conditions, cost of living, manner of living, and general changes desired by the workmen. Four thousand replies were sent in and based upon these and upon the replies received from manufacturing concerns, the first report was issued.

The biennial reports of the bureau of labor statistics as a series have been of distinct value, although the earlier work of the bureau was perhaps of more value than that done recently. The bureau regarded itself as a general statistical bureau. Its reports of 1894 and 1896 dealt with taxation, the report of 1908 with public and private ownership of municipal utilities, and that of 1900 in part with kindergartens and manual training. These reports, while not always prepared with sufficient care, represented investigations which should properly have been undertaken by some State officer, and were of value.

Present Position of Bureau.

From 1879 to 1893 the bureau of labor statistics (with the board of commissioners of labor) was the central labor office for Illinois. But its relative importance has gradually declined. Factory inspection began in 1893, and an independent office was created to perform this function. In 1895 an independent board of arbitration was established. When free employment offices were established 1899 they were

each made almost completely independent of the bureau. Private employment agencies were from 1903 to 1909 under the control of the bureau, but in 1909 a chief inspector of private employment agencies was provided to administer in detail the legislation relating to such agencies, although the control of the commissioners of labor remained. The mining legislation, which had been under the control of the commissioners of labor since 1879, was withdrawn by acts of 1907 and 1911. The administration of the workmen's compensation act of 1911 was committed to the bureau, but this authority was withdrawn in 1913.

With each new departure in labor legislation the tendency has been to create a new and independent administrative organ. The bureau of labor statistics has at present substantially the following functions: (1) Supervision over private employment agencies, although the detailed work is performed by another office. (2) A slight control over the free employment offices, and the duty of publishing the reports of these offices. (3) The duties of preparing and publishing a biennial report, and of publishing an annual report of accidents. Its duties are, therefore, at present primarily informational and with respect to the most important matter, that of accident reports, its usefulness is badly crippled by the present confusion of legislation as to accident reporting. The biennial report of 1908 was united with a report on industrial accidents. The 1910 biennial report appeared in 1913, and the first part of it is devoted to statistics of manufactures in Illinois, giving in somewhat different order material published by the United States Census Bureau. The secretary of the bureau of labor statistics in a letter of January 8, 1914, says: "There has been no information collected for a 1912 biennial report for this bureau, and when I took charge of this department last August and found this circumstance I decided that at this late date a 1912 biennial report would be of no value by the time information was collected and a report printed, so the next biennial report of this office will be for 1914, information for which will soon be collected." The last report on industrial accidents, that for the year ending December 31, 1912, is about as prompt as any of the state reports. The annual report of free employment offices for 1913 is in print. The bureau has also recently prepared a bulletin containing the labor legislation enacted by the General Assembly in 1913, and has issued a compilation of labor legislation in force in Illinois.

IV. PRIVATE EMPLOYMENT AGENCIES.

The act of 1899, creating free employment offices in certain cities, also provided for the licensing of private employment agencies by the Secretary of State. The machinery provided for the enforcement of this provision was unsatisfactory and a uniform license fee of $200 per annum imposed upon all such agencies was excessive; moreover no regulations were prescribed as to the conduct of business by such agencies. The act of 1903, dealing primarily with free employment offices, has several sections applicable to private employment agencies, and transferred the licensing authority to the commissioners of labor. Somewhat detailed regulations were provided for the conduct of such agencies, and the enforcement of these regulations was committed to the state board of labor commissioners and their secretary. The provisions of 1903 were superseded by an act of 1909 which is devoted entirely to private employment agencies. This act regulates such agencies in great detail, and commits the enforcement of its terms to the commissioners of labor, and to a new officer designated as chief inspector of private employment agencies.

Section 7 of the act of 1909 defines a private employment agency as being "any person, firm or corporation, who for hire, or with a view to profit, shall undertake to secure employment or help, or through the medium of card, circular, pamphlet, or any medium whatsoever, as through the display of a sign or bulletin, offer to secure employment or help, or give information as to where employment or help may be secured." Charitable institutions are expressly exempted from control.

The act forbids the opening, keeping or carrying on of any employment agency in the State of Illinois unless a license therefor shall be procured from the state board of labor commissioners. A violation of this provision is made a misdemeanor punishable by a fine of not less than $50 and not more than $200, or on failure to pay such fine, by imprisonment for a period not exceeding six months, or both, at the discretion of the court. The act provides that licenses shall be issued by the board of labor commissioners and fixes an annual fee therefor of $50 in cities of 50,000 population and over, and of $25 in all cities containing less than 50,000 population.

A person desiring a license must file with the board of labor commissioners an application therefor. Such application must be accompanied by the affidavits of two persons who have known the applicant, or the chief officer thereof, if a corporation, for two years, stating that the applicant is a person of good moral character. The board of labor commissioners is to post each such application, on the date of filing, in its office or in the office of the chief inspector of private em-

ployment agencies, where it must be kept until it is acted upon. The board of labor commissioners cannot act on the application until after the expiration of one week from the date of filing the application, but they must act upon it within thirty days from the time of application. But before the board may grant any license notice of such application shall be published on three distinct days by them in some daily newspaper of general circulation throughout the county within which the applicant desires to locate such agency. The applicant is required to file with his application a bond for the penal sum of $500, with one or more sureties, to be approved by the commissioners of labor, on condition that the obliger will conform to and not violate any of the terms of the act. Any person injured by the misconduct of the licensed person is given the right to sue on the bond, and claims of this character are made assignable.

If these conditions are complied with the license is issued. Each license must contain: (1) Name of person licensed. (2) City, street and number of the house in which the licensed person is authorized to carry on business. (3) Number and date of the license.

In the matter of location of the office the licensed person is under the restriction that no agency shall be located on premises where intoxicating liquors are sold, excepting cafes and restaurants in office buildings.

The license is not valid to protect any place other than the one designated therein, but if a change of location is desired and the licensed person obtains the consent of the board of labor commissioners, or the chief inspector of private employment agencies, and in addition secures the written consent of the sureties on the bond, the license will then cover the new location.

The act contains detailed regulations: as to the registers for applications for help and for employment, which are to be kept open during office hours for inspection by the officers vested with the enforcement of the act; as to the employes or solicitors of such agencies; as to the registration and other fees; as to receipts for fees and return thereof in case employment is not obtained within a certain time or does not extend beyond a certain time; as to sending applicants to places where no employment actually exists; as to safeguards in sending applicants outside of the city in which the agency is located; and as to numerous other matters.

Each receipt of an agency is required to have printed on its back the name and address of the State board of labor commissioners and of the chief inspector of private employment agencies. The agencies are also required to have the more important provisions of the act posted in their offices. The agencies are specifically forbidden to send female help to any place known to be of questionable character, or to aid in obtaining employment for any child in violation of the child labor acts of 1897 and 1903.

For sending females to questionable places and for certain other offences, the penalty (under section 6 of the act) is a fine of not less than $50 and not more than $200 or imprisonment in the county jail or house of correction for a period of not more than one year, or both

at the discretion of the court. For the violation of the other provisions there is a possible fine of $25 or imprisonment for 30 days. In addition the license may be revoked for any illegal conduct.

Organization of the Enforcing Authority.

Enforcement of the act is committed to the State board of labor commissioners and an officer to be known as the chief inspector of private employment agencies. The chief inspector is first recommended by the State board of labor commissioners and appointed by the Governor, at a salary of $3,600 per year for a term of office extending through the period of the incumbency of the Governor appointing him, or until his successor is appointed. By the terms of the act deputy inspectors may be appointed by the chief inspector with the approval of the Governor, one inspector for every fifty licensed agencies or major fraction thereof, at a salary of $1,500 per annum. By an amendment of 1911 one woman investigator of domestic agencies was added. The deputy inspectors and the woman investigator are now appointed under the terms of the civil service amendment act of 1911.

The chief inspector of private employment agencies is required to furnish bond payable to the State of Illinois in the sum of $5,000. Each inspector is required to make at least bi-monthly visits to every agency over which he has jurisdiction. Such inspectors are charged in the same manner as the chief inspector and board of labor commissioners, to see that all the provisions of the act are complied with, and they shall have no other occupation or business.

Duties of the Enforcing Authority.

Under the act the enforcing authorities perform in the main, three functions: (a) granting of licenses, (b) compelling an observance of the specific provisions of the act (by inspections and prosecutions), and (c) revocation of licenses.

(a) Granting of Licenses. The provisions of the statute governing issuance of licenses have already been noted. The granting of licenses is committed exclusively to the State board of labor commissioners. The general requirements before a license may be issued are: That the applicant tender the required fee, submit affidavits of two persons who have known him for two years, which shall state that the applicant is of good moral character, and submit a bond in a penal sum of $500. But even if these provisions are complied with the board is not bound as a matter of course to issue the license. The act expressly provides that the State board of labor commissioners may refuse to issue a license for any good cause shown, within the meaning and purpose of this act. However, if a license is refused, the determination is subject to review on a writ of certiorari.

(b) Compelling observance of the provisions of the act. The state board of labor commissioners and the chief inspector of private employment agencies (and under his direction the inspectors) are entrusted with the enforcement of the act. For the most part the act lays down specific requirements and prohibitions upon persons licensed to conduct private employment agencies. The act expressly provides

that the "violation of any provision of this act except as provided in Section 1 and 6 shall be punishable by a fine not to exceed $25 and any city magistrate, judge of a municipal court, police justice, justice of the peace, or any inferior magistrate having original jurisdiction in criminal cases shall have power to impose said fine, and in default of payment thereof to commit to the county jail or house of correction the persons so offending for a period of not exceeding 30 days."

The State board of labor commissioners or the chief inspector of private employment agencies or any of the inspectors created by this act, may institute criminal proceedings for its enforcement before any court of competent jurisdiction, and the State board of labor commissioners is given authority to employ legal advice or services whenever in its opinion such advice or services are necessary.

Further to ensure the enforcement of the provisions of the act, the chief inspector of private employment agencies and all inspectors created by this act are given full power to execute and serve all warrants and process of law issued by any justice of the peace or police magistrate, or by any court having competent jurisdiction under the law relating to employment agencies, in the same manner as any constable or police officer, and they may arrest on view and without warrant any unlicensed person detected by them actually violating any of the provisions of the act and may take such persons so offending before any court having jurisdiction of the offense, and make proper complaint before such court, which shall proceed with the case in the manner and form provided by law.

(c) Power to revoke licenses. The State board of labor commissioners is given power to revoke any license for good cause shown within the meaning and purpose of this act, and when it is shown to the satisfaction of the board of commissioners of labor that any person is guilty of any immoral, fraudulent or illegal conduct in connection with said business, it is then the duty of the board to revoke the license of such person. But before any license may be revoked notice of the charge must be presented and reasonable opportunity given the licensed person to defend himself in the manner and form as provided in this act. Such proceedings are begun by filing a complaint against the licensed person with the State board of labor commissioners or with the chief inspector of private employment agencies. This complaint may be made orally or in writing.

A concise statement of the facts constituting the complaint is then written out and served (personally) upon the licensed person, and notice of the place of hearing must be given. A hearing may be had before the state board of labor commissioners, or before the chief inspector of private employment agencies if the board so designates. The licensed person is entitled to at least one day before the hearing, after receiving notice thereof, but the hearing must be had within one week from the filing of the complaint. The determination must be within eight days from the time the matter is finally submitted. If the license is thereupon revoked, the determination is subject to review on writ of certiorari.

A calendar must be kept by the state board of labor commissioners of the complaints they are to hear and by the chief inspector of those he is to hear, and must be posted in a conspicuous place in its or his office for at least one day before the date of such hearing.

The chief inspector of private employment agencies is given concurrent power with the State board of labor commissioners with respect to the hearing of complaints against licensed persons, provided he is designated by the board to hold such hearings, but cannot himself revoke the license. The State board of labor commissioners, which issued the license, is the only body granted power to revoke. When the board has issued an order revoking a license, the order does not become effective until seven days after such revocation has been officially announced. Such revocation is good cause for refusing to issue another license to the same person or his representative, or to any person with whom he is associated.

Finances.

The act of 1909 contemplated that the office of chief inspector of private employment agencies should be self-supporting. Salaries and general expenses were to be paid from the license fees and fines collected under the provisions of the act. The following items were to be paid from this fund:

Salary of chief inspector, $3,600 per annum, payable monthly, upon voucher therefor filed with the Auditor of Public Accounts, and approved by the Governor; necessary printing, stationery and postage, office furniture, rent of rooms, salaries of assistants, such as clerks and stenographers, as the office required; any expense incurred in obtaining legal advice; salaries of inspectors $1,500 per annum, such salary to be audited and paid on certificates of the chief inspector of private employment agencies. Should the fund prove insufficient, the board of labor commissioners was given power to suspend any number, or all of such inspectors until the fund was again replenished.

The State board of labor commissioners, at the end of each fiscal year, was required to make an account of said license fee fund and pay into the State treasury whatever balance remained after having made the necessary disbursements. But by legislation of 1911, all fees are required to be paid into the State Treasury, quarterly, and no money is expended except upon the warrant of the auditor of public accounts, based upon appropriations made by the general assembly.

In the act relating to private employment agencies there is no provision requiring reports of the work of supervision. The work, however, is under the control of the State board of commissioners of labor, and this board is required to collect, assort, systematize and present in biennial report to the General Assembly statistical details relating to all departments of labor in the State.

Reports.

The act relating to free employment offices requires an annual report to be made to the bureau of labor statistics by each superintendent of a free employment office, not later than December 1, concerning the

work of his office for the year ending October 1. The reports from all free employment offices are systematized, rearranged and published annually by the bureau of labor statistics. The report for 1909 of the bureau of labor statistics of the Illinois free employment offices contains also a report of the chief inspector of private employment agencies for the years ending August 31, 1909 and August 31, 1910; a similar report for the period Sept. 1, 1910—June 30, 1911, is contained in the free employment offices reports for 1911; and for 1912 and 1913 the reports appear in the 1912 and 1913 reports of the free employment offices.

Before 1911 the chief inspector of private employment agencies reported to the bureau of labor statistics concerning the work of his office for the year ending August 31. Legislation of this year required all fees and fines collected by him and the commissioners of labor to be paid over to the State Treasury on or before the second Wednesday of January, April, July and October of each year. Referring to this amendment in his report to the Bureau of Labor Statistics in 1910, the Chief Inspector of Private Employment Offices says:

"This change having made it necessary for the General Assembly to make appropriations for the maintenance of our office and creating a new channel through which the license fees reach the State Treasury, I therefore, submit to you another report on the supervision of the private employment agencies in Illinois for a period of ten months from September 1, 1910 to June 30, 1911." The reports of the chief inspector for 1912 and 1913 published in reports of the bureau of labor statistics on free employment offices, cover the regular fiscal year, July 1 to June 30, although some of the information presented by the secretary of the board of commissioners of labor covers the years ending August 31.

The law for the inspection of private employment agencies is enforced primarily in Chicago, and has little operation with respect to other parts of the State, except so far as other places may be easily reached from Chicago. As stated in the 1912 report and as stated for the present time by the chief inspector personally this is due to the small appropriation. Personal inspections are not made outside of Chicago, and the problem there is probably sufficient to keep all the inspectors busy. In smaller cities, especially in the southern part of the State, there are probably a number of agencies of which no record even is had. In 1912 there were in this office a chief inspector, five deputies and three other employees. Because of the smallness of funds, the public notice by advertisement of the applications for license, was not given in 1912, and there was little opportunity to employ special counsel. Some use during this year has been made of special counsel but reliance is ordinarily placed upon the regular prosecuting officers.

Reference has already been made to the fact that the law requires an inspection of each agency once every two months. If the whole

field of employment agencies is covered an inspection of this frequency probably cannot be had; for some types of agencies it may be unnecessary, while as to other agencies an even more frequent inspection is desirable. This requirement has not been observed.

With reference to the revocation of licenses it has already been suggested that the commissioners of labor may themselves hold hearings or may authorize the chief inspector to do so. The commissioners have not ordinarily (if in any cases) authorized the chief inspector to hold hearings, and this makes difficulty in that the hearing must be held within one week after the filing of the complaint. It is difficult to get the commissioners together to hold a hearing inasmuch as their compensation is nominal. Proceedings to forfeit licenses may therefore fail on this account. Of course, the commissioners must act in revoking the license, and such action is under present law required to be taken within eight days after the matter is finally submitted. It would be well for the commissioners to employ the chief inspector to a greater extent for the taking of testimony, and the law should be amended so as to permit a longer time between the filing and the hearing of complaints.

The present method of appointing the chief inspector is one which is not conducive to the best results. In offices of this character political influence should not count, but some impartial method should be employed to test efficiency for the duties to be performed.

A difficulty in the enforcement of the act arises from the fact that charitable institutions are not included. In many cases agencies actually charging fees and doing a general business as employment agencies masquerade as charitable institutions in order to escape the operation of the law.

V. FREE EMPLOYMENT OFFICES.

By an act approved April 11, 1899, free employment offices were created, one in each city of not less than 50,000 population, and three in each city containing a population of one million or over. A superintendent, assistant superintendent, and clerk for each of these offices were to be appointed by the Governor, with the advice and consent of the Senate upon the recommendation of the State board of commissioners of labor. The duties of the superintendent were definitely prescribed, and he was required to make an annual report to the State bureau of labor statistics. Whenever the commissioners of labor were of the opinion that a superintendent was not duly diligent and energetic in the performance of his duties, they were authorized, after a hearing, to recommend his removal to the Governor. The Governor was authorized to remove the superintendents upon such recommendation, or to remove at any time for cause any superintendent, assistant superintendent, or clerk. Under this act three free employment offices were established in Chicago in 1899, and after the census of 1900, one in Peoria in 1901.

The act of 1899 was superseded by an act of 1903, which repeats in large part the provisions of the earlier act, but does not contain provisions regarding the removal of superintendents. An amendment of 1913 to the act of 1903 creates free employment agencies, "one in two or more contiguous cities or towns having an aggregate or combined population of not less than 50,000 population." Under the act of 1903, as amended, there are three free employment offices in Chicago (1899), and one each in Peoria (1901), East St. Louis (1907), Springfield (1909), Rockford, and Rock Island (1913).

The purpose of these offices is, as stated in the act, to receive applications of persons seeking employment and to receive applications of persons seeking to employ labor. Each free employment office is placed in the charge of a superintendent, who is aided by an assistant superintendent and a clerk, all of whom are to devote their entire time to the duties of their respective offices. The Governor is given power to appoint, upon the recommendation of the commissioners of labor, the superintendent, assistant superintendent, and clerk, by and with the advice and consent of the Senate. The act provides that in each case, either the assistant superintendent or the clerk shall be a woman. The salary of the superintendent is fixed at $1,500 per year, assistant superintendent $1,200 per year, and of the clerk $1,000 per year. By appropriation acts additional assistants have been provided for all of the offices except that of Rock Island. The additional employees of these offices are in the classified civil service. At present the Chicago South Side office has seven employees, and each of the other Chicago

offices six; the East St. Louis, Peoria, Springfield and Rockford offices have five employees each; and the Rock Island office the three employees provided by the Statutes of 1899 and 1903.

The first duty devolving upon a superintendent is the selection of an office in the city where the free employment office is to be opened. Th location of the office is agreed upon between the superintendent and the secretary of the bureau of labor statistics.

The primary duty of free employment offices is to supply laborers to those who apply for help and to supply work to those who apply for employment. That is, it is the duty of the offices to bring employer and employee together. Their duty is not confined to unskilled laborers, for the language of the statute is sufficiently broad to cover any kind of employment whether skilled, unskilled, or even professional. A person may apply for any kind of help or any kind of work.

The act expressly provides that the superintendent shall keep a book in which he is to keep the names of all applicants for employment and help, and section 8 of the act defines "applicant for employment" to mean any person seeking work of any lawful character, and "applicant for help" as meaning any person or persons seeking help in any legitimate enterprise, "and nothing in this act shall be construed to limit the meaning of the term work to manual occupation, but it shall include professional services and all other legitimate service."

The superintendent is required to do something more than to attempt to fill requests for work and help which come to the office. An active duty is imposed upon him to find out where work is available and where laborers of all kinds are wanted. The statute expressly provides that it shall be the duty of each superintendent of a free employment office immediately to put himself in communication with the principal manufacturers, merchants and other employers of labor, and to use all diligence in securing the co-operation of the said employers of labor. To this end the superintendent is authorized to advertise in the columns of newspapers, or other media for such situations as he has applicants to fill, and he may advertise in a general way for the co-operation of large contractors and employers, in such trade journals or special publications as reach such employers, whether such trade or special journals are published in this state or not. The following out of this scheme of general advertising for information concerning places where work may be had and where laborers are wanted, does not, however, relieve the superintendent from pursuing other methods by means of which employers and employees may be brought together The superintendent is given a wide range of discretion in choosing effective methods for finding out just what the needs of employers and employees are. The act expressly provides that in addition to the means suggested, the superintendent is "to use all diligence in securing the co-operation of the said employers of labor with the purposes and objects of this act." There is in the statute an authorization for payment of an interpreter, when necessary.

With reference to general office management, the act provides:

(1) That the superintendent is to receive and record in books[4] kept for that purpose the names of all persons applying for help, designating opposite the name and address of each applicant the character of the employment or help desired.

(2) That separate rooms be kept for women who register for situations or help.

(3) That the superintendent shall keep a separate register for applicants for employment which must show: (a) the age, sex, nativity, trade or occupation of each applicant; (b) cause and duration of non-employment; (c) whether married or single; (d) the number of dependent children.

The act also requires that the registers for applicants shall show "such other facts as may be required by the bureau of labor statistics to be used by said bureau," but provides "that no special registers shall be open to public inspection at any time, and that such statistical and sociological data as the bureau of labor statistics may require shall be held in confidence by said bureau, and so published as not to reveal the identity of any one," and further, "that any applicant who shall decline to furnish answers as to the questions contained in special registers shall not thereby forfeit any rights to any employment the office might secure." Another provision of the act requires that each superintendent "also perform such other duties in the collection of statistics of labor as the secretary of the bureau of labor statistics may require."

Section 7 of the act provides that no fee or compensation shall be charged or received directly or indirectly from persons applying for employment or help through the free employment offices, and the violation of this clause is made a misdemeanor punishable by fine and imprisonment.

The superintendent of each employment office is required to make two reports, a weekly report, on Thursday of each week, and an annual report not later than December of each year, concerning the work of his office for the year ending October 1; both reports are to be made to the bureau of labor statistics.

In his weekly report to the bureau of labor statistics, the superintendent must give the following information: (1) The number of applications for positions received during the preceding week. (2) The number of applications for help received during the preceding week. (3) The number of positions secured. (4) The number of unfilled applications remaining on the books at the beginning of the week, and (5) the number and character of positions secured during the preceding week.

The secretary of the bureau of labor statistics is required to cause to be printed not later than Saturday of each week, a sheet showing separately and in combination the lists received from all such free employment offices. The publication of weekly reports seems to be of no great value.

[4]Section 13 provides that blank books and such supplies as may be necessary shall be furnished by the Secretary of State upon requisition made by the superintendents.

In his annual report to the bureau of labor statistics, which must be made not later than December 1, of each year, each superintendent must report "concerning the work of his office for the year ending October 1st of the same year, together with a statement of the expenses of the same, including the charge of an interpreter when necessary." The annual reports are required to be published by the bureau of labor statistics, and under the act of 1903, were to be published with the Coal Report of that bureau. The publication of the Coal Report was in 1911 transferred to the state mining board. Even before this, the bureau of labor statistics issued the annual report of free employment agencies in separate form, as well as in combination with the Coal Report.

The annual reports issued by the bureau of labor statistics give consolidated statistics for all of the offices, as well as the separate reports for each free employment office, but these reports indicate little as to the efficiency of the offices. The total number of applications for employment in 1912 was 73,356, and in the same period 69,883 positions were secured by the six offices then in existence. But far the greater number of applications for employment go to private employment agencies, in Chicago especially.

The free employment offices do only a small amount of the business, and their small number, of course, accounts in part for this. In 1912 two hundred and eighty-four licenses were issued to private employment agencies, and reports from 113 of these showed 404,153 positions secured. The creation of free employment offices has not appreciably reduced the demand for the services of private agencies (although statistics are not available and the proportionate demand for positions has of course increased). It would be difficult to determine to what extent, if any, the existence of the free offices has caused the rendering of better service by private agencies.

As far as organization is concerned, it would seem that a more effective scheme may be devised. The free employment offices are now subject to the commissioners of labor and the secretary of the bureau of labor statistics in the following matters: (1) The superintendent, assistant superintendent, and clerk of each office are appointed by the Governor, with the advice and consent of the Senate, upon the recommendation of the commissioners of labor. (2) The original location of each office is determined by agreement between the superintendent and the secretary of the bureau of labor statistics. (3) Reports must be made by each office to the bureau of labor statistics, and published by that bureau. (4) The bureau of labor statistics may require the free employment offices to collect and furnish to it certain statistical and other information.

Aside from these requirements, each office is independent, not only of every other office, but also from any central control. Such a situation should not exist, and a co-ordination of the work of the several offices would probably result in more efficient service.

The superintendent of one of the Chicago offices has suggested that the superintendents in that city should meet to discuss ways and means of increasing the efficiency of these offices; and the superin-

tendent of the Springfield office has suggested the advisability of co-operation in order to prevent the congestion of the labor market in certain localities. Some central official organization would correlate the work of the various offices. Under the present organization there has been little if any effective co-operation among the several offices.

There has been no systematic effort through the free employment offices to cope with the unemployment problem as a whole. The Chicago Unemployment Commission, appointed by Mayor Harrison, has published a report dealing with this whole problem. A resolution adopted by this Commission reads as follows:

"1. We recommend the establishment of a labor exchange so organized as to assure: (a) adequate funds to make it efficient in the highest possible degree; (b) a mode of appointment of the salaried directors which will protect it against becoming the spoils of political factions and parties; and (c) a board or council of responsible citizens, representing employers, employees and the general public, to direct the general policy and watch over the efficiency of the administration, this board or council having the power to employ and discharge all employees subject to proper regulations of the civil service commission.

"2. We recommend that the Governor and legislature be requested at the next session of the legislature to amend the present law relating to free state employment bureaus so as to secure a central state labor exchange, based on the principles just stated."

Professor Ernst Freund has drafted a bill embodying these ideas. The bill drafted by Professor Freund and another bill introduced in 1913 to centralize control over the present agencies, are published in the report of the Chicago Commission. (Report of the Mayor's Commission on Unemployment, pp. 8-12). The text of a proposed bill may also be found in the third report of the New York Commission to inquire into the question of employers' liability and other matters. (1911).

The General Assembly at its 1913 session (Laws, 1913, p. 627) authorized the appointment of a state commission to investigate the subject of unemployment in Illinois, but made no appropriation for the expenses of such a commission.

VI. INDUSTRIAL BOARD.

The first workmen's compensation act was passed in 1911, and was made applicable only to certain designated employments. Its administrative features were relatively simple, and authority was vested in the bureau of labor statistics to handle the administrative work. Elections by employer or employee not to come within the act were filed with the bureau; in case matters between employer and employee were submitted for arbitration the third arbitrator was selected by a court of competent jurisdiction, and a copy of the award was filed with the bureau; employers under the act were required to send to the bureau reports of accidents for which compensation had been paid.

The administrative features of the act of 1913 (which replaced that of 1911) are much more complete, and the administration of this act is committed to a special body known as the industrial board. The industrial board consists of three members appointed by the Governor, by and with the advice and consent of the Senate, one of whom must be a representative of the employing class operating under the act, and one of whom must be a representative chosen from among the employees operating under this act, and one of whom shall be a representative citizen not identified with either the employing or employed classes and who shall be designated by the Governor as chairman. The term of the members of this board is fixed at six years, except that when first constituted one member serves for two years, one for four years and one for six years. Not more than two members of the board may belong to the same political party. The salary of each member is fixed at $4,000 per year. The board is given power to appoint a secretary and to employ such assistants and clerical help as may be necessary.

Notices of election to be bound or not to be bound by the act are to be filed with the industrial board. An agreement or award under the act, providing for compensation in installments, may at any time within eighteen months be reviewed by the industrial board, upon application of either the employer or the employee.

Where an employer and employee, who have come under the law, are unable to agree, a committee of arbitration is constituted, composed of a member or agent of the board, as chairman, and representatives of the two parties. An arbitration award is subject to review by the industrial board, and questions of law involved in the decision of the board may be reviewed by the Supreme Court if application be made within thirty days after the board's decision.

A certified copy of the decision upon arbitration proceedings when rendered is filed with the circuit court of the county in which the

accident occurred, whereupon such court renders judgment. But judgment cannot be entered until fifteen days' notice of the time and place of the application for the entry of judgment shall be served upon the employer by filing such notice with the industrial board.

The board is given power to make rules and orders for carrying out its duties, which rules and orders are to be deemed prima facie reasonable and valid. The board or any member thereof has power to administer oaths, issue subpoenas, and examine witnesses, and to examine and inspect such books, papers, and records, places or premises as may relate to questions in dispute.

Section twenty-three of the act provides that no employee, personal representative or beneficiary shall have power to waive any provision of this act in regard to amount of compensation except after approval of the industrial board.

An employer against whom liability may exist for compensation may be relieved therefrom by purchasing an annuity or by depositing, in a depository approved by the board, the commuted value of the unpaid compensation. Upon petition a lump sum compensation may be awarded by the board instead of periodical payments.

By section twenty-six every employer who elects to provide and pay the compensation provided for by this act shall within ten days of the receipt of a written demand by the industrial board (1) file with the board a sworn statement showing his financial ability to pay compensation normally required to be paid, (2) or furnish security or (3) insure to a reasonable amount his normal liability to pay such compensation or (4) make some other provisions for securing payment of compensation. The sworn statement of financial ability, or security, or amount of insurance, or other provision is subject to the approval of the board.

Section thirty provides that every employer within the provisions of the act shall send to the industrial board a report of all accidental injuries for which compensation has been paid. Section twenty makes it the duty of the industrial board to report in writing to the Governor on the thirtieth of June annually the details and results of its administration of the act.

The industrial board has been in existence for so short a time that little can be said as to its manner of conducting business. Reference is made later in this report to the fact that in accident reporting great difficulty has been occasioned by the creation of a board independent of the other labor offices. The administration of a compensation scheme should be closely allied with the work of accident prevention, and at present there is no relation whatever in Illinois. From the standpoint of accident prevention, it would be well to have a compensation law whose burden would fall more heavily upon the careless than upon the careful employer. From the nature of the compensation board's work there appears to be no reason why the administrative details can-

not be handled by a chief of bureau, and the discretionary functions by a board which should perform all discretionary duties for a consolidated department of labor.

With respect to one matter there has been criticism of the operation of the compensation law. Some employers who have had experience under it complain that the arbitration boards have been partial to workmen and that the decisions of these boards are almost uniformly sustained by the industrial board.

VII. STATE BOARD OF ARBITRATION.

The state board of arbitration was created by an act approved August 2, 1895, and consists of three members, appointed by the Governor, with the advice and consent of the Senate. The members are appointed for three years, and the terms are so arranged that one member retires each year. Not more than two of them may belong to the same political party. One and only one of them shall be an employer of labor; and one and only one an employee, who shall be selected from some labor organization. The members of the board each receive a salary of $1,500 per annum. The board was authorized by the act of 1895, as amended in 1903, to select and remove a secretary, who is required to be a stenographer, and who, under the amendment of 1903, receives $2,500 per annum. The secretary, however, now comes under the terms of the state civil service act of 1911.

Under the act of 1895, as amended in 1899 and 1901, the board may (1) upon application made by an employer or by employees, act as a board of arbitration or (2) on its own initiative, it may attempt to effect an amicable settlement of labor disputes, or, if a controversy is one in which the general public is likely to suffer injury or inconvenience, the board may, in absence of application by either party, investigate the facts and make public its findings and recommendations.

Arbitration. Upon application of an employer or a majority of his employees in the department of business in which a controversy exists, the board is required to undertake a settlement by arbitration, provided the controversy does not involve questions which may be the subject of an action at law or a bill in equity. The application must contain a concise statement of the grievance complained of, and an agreement to continue in business or at work without strike or lockout until the decision of the board, provided a decision is made within three weeks after the filing of the application. The act of 1895 provided that such application could be made only in case the employer involved employed not less than twenty-five men, but in 1899 an amendment permitted the union of employers or employees to make the number twenty-five, even though that number was not employed by the same employer, provided the employers were engaged in the same general line of business and the controversy involved a common difference between such employers and employees.

Upon the receipt of such an application the board is required to give public notice of the time and place of hearings thereon, but such public notice may be dispensed with should both parties to the controversy join in the application and request in writing that public notice

be not given. The board is required to visit the locality of the dispute and make a careful investigation of the controversy, hearing all persons interested who may come before them, and advising the parties what ought to be done to adjust the dispute. Under the act of 1895 the board was given authority to summon witnesses and administer oaths, and to compel the production of certain papers, but not until 1899 was it really empowered to compel testimony by means of an application to the County or Circuit Court, and to require the production of all relevant books and papers.

The board is required to make a written decision of a controversy submitted to it as above, and the decision is open to public inspection. The decision is binding upon the parties who joined in the application "for six months or until either party has given the other notice in writing of his or their intention not to be bound by the same at the expiration of sixty days therefrom." An amendment of 1899 provided that any person aggrieved by a failure to abide by a decision might apply to the Circuit or County Court to have the violator punished for contempt, but such punishment was not to extend to imprisonment. These provisions apply only where both parties to the controversy have agreed to arbitrate. Otherwise the board has power only to advise or recommend.

Conciliation and Investigation. The board is required when there comes to its knowledge a threatened strike or lockout involving an employer of not less than twenty-five persons, to put itself into communication as soon as possible with the employer or employees, "and endeavor by mediation to effect an amicable settlement between them, or to endeavor to persuade them to submit the matter in dispute to the state board."

In 1901 a wide power was conferred upon the board in certain cases to investigate labor controversies as to which efforts at both conciliation and arbitration had failed. This provision of law is of sufficient importance to be quoted in full: "Whenever there shall exist a strike or a lockout wherein, in the judgment of the majority of said board, the general public shall appear likely to suffer injury or inconvenience with respect to food, fuel, or light, or the means of communication or transportation, or in any other respect, and neither party to such strike or lockout shall consent to submit the matter or matters in controversy to the state board of arbitration in conformity with this act, then the said board, after first having made due effort to effect a settlement thereof by conciliatory means, and such effort having failed, may proceed of its own motion to make an investigation of all facts bearing upon such strike or lockout, and make public its findings, with such recommendations to the parties involved as in its judgment will contribute to a fair and equitable settlement of the differences which constitute the cause of the strike or lockout; and in the prosecution of such inquiry the board shall have the power to issue subpoenas and compel the attendance and testimony of witnesses as in other cases."

To 1910 no use had been made of the powers conferred by the amendment of 1901, and the same statement is probably true for the period since 1910.

Activities of the Board of Arbitration.

The law goes as far as it well may in requiring the board to use its best efforts in securing a peaceful settlement of every labor dispute which arises in the state, whether the board is called upon or not by the parties to such dispute. Under the act as originally passed difficulty was experienced in gaining information of the existence of strikes. Partially to remedy this an amendment was added in 1899, making it the duty of the mayor of every city, the president of the council of every incorporated town or village, and the chief executive officer of every labor organization, whenever a strike or lockout involving more than twenty-five employees is threatened, immediately to communicate this fact to the state board of arbitration.

The annual reports of the board do not present any formal statistics of cases handled, and it is difficult to determine to what extent the efforts of the board have met with success. The reports do show a greater use of its powers of conciliation than of those of arbitration. In the report of 1901 is reprinted the testimony of J. McCan Davis, then secretary of the board, before the United States Industrial Commission. This testimony indicated that in the four years from 1895 to 1898, 43 cases were acted upon by the board, of which seven were arbitrations on the joint petition of the parties, thirty-three were cases of mediation; twenty-two of the cases were satisfactorily settled. In more than half of all the cases presented, action was initiated by the board.

In recent years the board seems not to have been as active as in the beginning. The policy of the board, as stated in its 1910 report (the latest report in print) is to allow the disputants to settle between themselves, wherever that appeared possible, as it believes that better results are obtainable in that way, while at the same time it has stood by ready to intervene at the opportune moment. An examination of its reports shows that the board has in the main "stood by" and looked on. The 1910 report shows consideration by it of five labor controversies, of which one was settled by the arbitration of the board. In three cases offers by the board resulted in no action, and in the fourth the board united with boards from other states in an unsuccessful effort to bring about a settlement. The reports of the board are devoted in the main to statements regarding labor controversies settled without its assistance, and give no satisfactory account of all labor disputes in the state during the year. There is no indication as to whether strikes and lockouts were actually reported to the board by municipal officers and labor organizations, as required by statute.

The Board of Arbitration was established after the great railway strike of 1894, in response to a popular demand that something should be done. During a good part of the time since its creation, the board has been quiescent, and has done little good or harm in the field marked

out for it by the law. All the activities of the board indicated in its 1910 report could not have required more than a few weeks' work upon the part of the members and the secretary. Since 1910 the board has issued no printed report, and for a good part of the time within recent years its membership has not been complete. Beginning with March 15, 1914, the board has transmitted written monthly reports to the Governor but an examination of these reports covering the period from January to August, 1914, indicates that no work of value has been done. The duties of this board could well be transferred to some other body. The arbitration law should at the same time be so amended as to provide for the creation of special boards to arbitrate particular labor disputes. In many cases a specially created board would prove more effective that a permanent board of arbitration. There should also be an express provision for the rendering of aid to employers and employees who desire to enter into arbitration agreements.

VIII. MINING AUTHORITIES

State Mining Board and Mine Inspectors.

With the exception of a few minor statutes the first general law providing for the health and safety of persons employed in mines in Illinois was passed in 1872. By this act, which applied to mines in which more than ten men were employed, county surveyors were constituted ex-officio inspectors of mines. The general subjects of ventilation, escapement shafts, bore holes, signalling, hoisting, explosions, and accidents were covered, and the several inspectors were charged with the duty of making inspections, enforcing the act, and reporting the general results of their inspections annually to the Governor. An amendment of 1877, in addition to minor changes, repealed the provision of the act of 1872 which made county surveyors ex-officio inspectors of mines, and vested the administration of the act in county mine inspectors to be appointed by the several county boards. No reporting was expressly required by the amendment. A general revision of the mining act followed in 1879 which enlarged its scope, but left the administrative features practically the same. Mine inspectors were required to make annual reports to the Governor.

Amendments of 1883 further perfected the system of mine inspection by requiring that additional safeguards be taken in mines and by introducing important changes in the administration of the act. The minimum age at whch children were allowed to work in mines was changed from 12 years to 14 years. The act was made to apply to all mines. The appointment of a board of examiners by the commissioners of labor was authorized, the board to consist of two practical coal miners, two coal operators, and one mining engineer. The state was divided into five inspection districts. The Governor, upon the recommendation of the board of examiners, was empowered to appoint five inspectors who were to devote their whole time to the inspection of mines and the enforcement of the act. The policy of inspection of mines by county inspectors was abandoned, but county boards were authorized to appoint assistant inspectors. Qualifications for inspectors were greatly increased. A knowledge of mine engineering was required and ten years' practical experience in mining. Annual reports of inspectors instead of going to the Governor were to be sent to the bureau of labor statistics. The term of office of inspectors was fixed at one year and the salary at $1,800. The commissioners of labor were given power to remove inspectors for cause.

An amendment of 1885 increased the term of office of inspectors from one to five years. Further amendments were made at almost every biennial session of the General Assembly; and in 1899 a complete

revision of mining legislation was effected. Under the legislation of 1899, the subordination to the bureau of labor statistics continued and the board of examiners was styled the state mining board. The powers of the state mining board, however, were considerably enlarged in 1899, and by an amendment of 1907 it was provided that this board should be appointed by the Governor, with the advice and consent of the Senate. In 1911 a complete revision of the mining act occurred. Following is an analysis of the mining act of 1911 with its amendments of 1913.

The enforcement of the act is committed to the state mining board and under it to twelve state mine inspectors. The act imposes specific duties upon all mine operators, with penalties for violation, requiring that every mine manager, hoisting engineer and mine examiner shall possess a certificate of competency from the state mining board. The nature of the examinations, in order to obtain these certificates, is laid down in the act, and the board is authorized upon notice and hearing to cancel such certificates. The employment of any mine manager, mine examiner, or hoisting engineer who does not possess a certificate is forbidden. Inspections of every mine in the state are required to be made at certain intervals by state mine inspectors, who must be duly certified as competent by the state mining board, and the state mining board is made the general administrative authority through which the object of the act is to be carried out.

The act goes into great detail in laying down specific requirements as to conditions which must be maintained in mines. These requirements deal with the sinking of shafts, hoisting equipment, places of egress, stairways and cages, passageways, gates, light, signals, gauges, safety valves, boilers, obstructions, buildings on surface, oils and explosives, engine boiler-houses, speed of cages, safety lamps, ventilation, refuge places, hauling roads, cars, voltage, wires, dead holes, shots, tools, tamping, etc. General penalties are provided for violations.

The Governor, by and with the advice and consent of the Senate, is given power to appoint the state mining board. It is composed of five members, two of whom must be practicing coal miners, one a practicing coal mine hoisting engineer, and two coal operators. One of the coal operators is to be elected president and one of the coal miners secretary. Their term of office is for two years at a salary of $5.00 per day for a term of not more than one hundred days in any one year. The board is given power to appoint a chief clerk, at a salary of $2,000 per year and they may employ such other persons as may be necessary for the proper discharge of their duties. The chief clerk comes under the state civil service law.

The board is given power to prescribe standing and other rules for the control and direction of its officers and employes and of the state mine inspectors. It is also the duty of the board to collect statistical details relating to coal mining in the state and to publish such information yearly as a report to be known as the Annual Coal Report. Before 1911 the Annual Coal Report was prepared by the bureau of labor statistics. The state is divided into twelve inspection districts by the state mining board.

The board is required, by examinations, to make formal inquiry into and to pass upon the practical, technological and personal fitness of men seeking appointment as state mine inspectors, mine managers, hoisting engineers and mine examiners. Before an applicant is permitted to take any examination, he is required to register his name with the state mining board, and file with it an affidavit as to all matters of fact establishing his right to take such examination, and a certificate of good character and temperate habits signed by at least ten residents of the community in which he resides.

Persons applying to the state mining board as candidates for appointment as state inspectors of mines must produce evidence satisfactory to the board that they are citizens of the state, at least thirty years of age, that they have had a practical mining experience of ten years, and that they are men of good repute and temperate habits. They must pass an examination as to their practical and technical knowledge of mine surveying and mining machinery and appliances, of the proper development and operation of coal mines, of ventilation of mines, of the nature and properties of mine gases, of first aid to injured, of mine rescue methods and appliances, of the geology of the coal measures in this state, and of the laws of this state relating to coal mines. From those who pass said examination, the Governor appoints twelve state inspectors, to serve for a period of two years unless sooner removed by the state mining board for cause. Any inspector in actual service who has passed one examination under this act may be reappointed without further certification but may not be so reappointed more than three times. The salary of inspectors is fixed at eighteen hundred dollars per annum, and they are allowed all necessary traveling expenses. A bond of five thousand dollars is required of each inspector. No one is eligible for such a position if he has any pecuniary interest in any coal mine in Illinois.

For a while the state mine inspectors were under the civil service law (as amended in 1911), but under a ruling of the present Attorney-General they are exempt. Since this ruling the entire personnel of the state mine inspecting force has changed.

Each state mine inspector, if in his judgment the work in his district requires the services of an assistant, is given authority to call upon county boards to appoint some person as such assistant, (to be paid out of the county treasury at a rate of not less than $3.00 per day). Each assistant thus appointed must be the holder of a certificate of competency as a mine manager. Each state inspector is permitted to authorize (in writing) the county inspector to assume and discharge all the duties and exercise all the powers of the state inspector. The bond of the state mine inspector may be held for the faithful performance of duty by such assistant inspectors.

Each state inspector is to devote his entire time to the duties of his office, and his duties consist chiefly in making personal inspections of all mines in his district. Under the act of 1911, the state inspectors were required to make personal examination at least once in every six months of each mine in their district, in which marsh gas had been detected in quantities which the state mining board

thought dangerous. The state mining board, however, could require state inspectors personally to examine any or all other mines in their respective districts and the state mining board could assign inspectors to examine mines which had not been classified as generating marsh gas in dangerous quantities. The act also required that every mine in the state should be examined at least once in every six months. Some changes were made in these requirements by amendments of 1913. The act of 1911 contemplated chiefly the personal inspection by the state inspector of mines in which gas was being generated. The amendment of 1913 strikes out this limitation and expressly requires state inspectors to make personal examinations at least once in every six months or oftener if necessary of every mine in their districts in which ten or more men are employed. The provision allowing the state mining board to require state inspectors personally to examine any or all other mines in their respective districts remain the same.[5]

It is the duty of the state mine inspectors to see to it that the requirements of the act are in all cases complied with and that every necessary precaution be taken to insure the health and safety of workmen. After an examination has been conducted a notice is to be posted by the state inspector in some conspicuous place at the top of the mine, which notice shall contain a plain statement showing what, in the inspector's judgment, is necessary for the better protection of the lives and health of persons employed in such mine. In case any violation is discovered, it is the duty of the state inspector to enforce the penalties provided therefor. In addition to the regular inspection the state inspector must make a personal investigation as to the nature and cause of all serious accidents which occur in mines within his jurisdiction. Each inspector is ex-officio a sealer of weights and measures with power (and upon *request,* with the duty) to inspect scales used at mines. Upon operators paying by weight for mining is imposed the duty of providing accurate scales.

Each state inspector is required to render to the state mining board a written report of each mine inspected, the form of the report to be fixed by the board itself. In addition to this report each inspector is required, within sixty days after June 30th, to prepare and forward to the state mining board a formal report of his acts during the year in the discharge of his duties, together with any recommendations which he may have. Each inspector is required to collect and tabulate upon blanks furnished by the state mining board all desired statistics of mines and mining.

Upon a petition signed by not less than three coal operators or ten coal miners setting forth that any state inspector of mines neglects his duties, or that he is incompetent, or that he is guilty of malfeasance in office, or guilty of any act tending to the unlawful injury of miners or operators of mines, it is the duty of the state mining board to issue a citation to the said inspector to appear before it within a period of fifteen days on a day fixed for hearing, when the board shall investi-

[5]Numerous other changes were introduced into the act by revision of 1913, dealing with conditions which should be maintained in mines. No other change of importance affecting the administration of the act was made by this revision.

gate the allegations of the petition and if the board shall find that the inspector is neglectful of his duty or that he is guilty of malfeasance in office or guilty of any act tending to the injury of miners or operators of mines, the board shall declare the office of said inspector vacant, and a properly qualified person shall be duly appointed to fill the vacancy.

The state mining board has power to direct the state mine inspectors in the discharge of their duties, and "shall have power and shall in person and through the state mine inspectors see that all the provisions of the state mining law are enforced." But each inspector is left practically independent as to the enforcement of the law within his district, subject to the requirement that he report to the board, and subject also to the possibility that the board may order him to make specific inspections. No chief inspector has ever been provided, and there has been little co-ordination of the inspection work in the several districts.

The act also imposes specific duties upon all mine operators and upon all mine managers, mine examiners and hoisting engineers. In addition to the requirement that all mine managers, mine examiners, and hoisting engineers shall hold certificates of competency from the state mining board, specific duties and restrictions are placed upon each.

Each operator is required to furnish annually to the state mine inspector of his district, on blanks furnished by him, statistics of wages and conditions of employees, said report to be in the hands of the state board within thirty days after June 30th. A penalty of one hundred dollars is fixed for violation of this provision. Each operator must keep accurate maps of mines, survey maps, maps of seams, etc., and must make an annual survey, and furnish a copy of all survey maps to the state inspector. All illuminating oil and other illuminants used in coal mines are required to conform to specifications prescribed by the state mining board. When any loss of life or personal injury occurs in or about a mine the operator must report such fact without delay to the state mine inspector.

An act of 1910, amended in 1911 and 1913, deals with the subject of fire fighting equipment in coal mines, and imposes the obligation upon all persons operating coal mines to observe certain specified precautions for the prevention and controlling of fires and prevention of loss of life from fires in coal mines. The act contains provisions relating to water supply, pipe and hose connections, automatic sprinklers, fire extinguishers, water pipes, underground stables, telephones, passageways, etc. Penalties are provided for violations. The act makes it the duty of any state mine inspector or any county inspector, if he shall find that any provision of the act has been violated, to file a sworn complaint before any court of competent jurisdiction, asking that the violator be bound over to the next grand jury, and the state's attorney is required to prosecute. Each county mine inspector is required to report at least once each month to the state mine inspector, stating the mines he has examined, the violations discovered, and complaints filed. If state mine inspectors or county mine inspectors neglect or refuse to file such complaints any person may file a complaint against

such inspector charging nonfeasance in office, and the state's attorney is required to prosecute. If convicted said inspector is disqualified from holding such office, and is not entitled to receive another certificate of competency within three months from date of conviction. It is also provided that when any mine manager or any miner has been convicted of violating the provision of the act, the state mining board or the miners' examining board, as the case may be, shall cancel and revoke his certificate of competency and such person shall not be entitled to receive another certificate for three months.

Further to promote the safety of persons and property in coal mines, an act of 1913 relating to explosives provides that all permissible explosives for use in blasting coal in the State of Illinois shall conform to certain specifications which have been fixed by the United States Bureau of Mines. State mine inspectors, county mine inspectors and accredited representatives of coal operators or coal miners are given authority to sample permissible explosives, or to have the same sent to the United States Bureau of Mines for that purpose. All explosives must be kept in magazines constructed in accordance with plans that are approved by the state mine inspector. General penalties are provided for violations.

An act of 1911 relating to blasting powder contains specifications for black blasting powder which may be used in coal mines, provides rules for stamping kegs, defines offenses and fixes penalties. It is further provided that state mine inspectors and deputy mine inspectors shall have authority to sample black blasting powder used for blasting purposes in coal mines in this state or kept for sale for such a purpose. Inspectors may have such powder tested by the state mining board.

An act relating to oil or gas wells adopted in 1905, amended in 1911, has to do generally with the sinking, filling and operating of gas and oil wells, and provides penalties. It is made the duty of any person having custody or control of any well drilled for gas or oil and of the owner of the land in which such well is drilled, when the drill hole penetrates a coal seam, to file in the office of the recorder of the county and in the office of the state mining board a statement and map, giving the location and depth of every well so drilled.

The shot firers act of 1907, as amended in 1913, requires all mine owners to furnish shot firers for mines, specifies the duty of shot firers and lays down rules for firing of shots and fixes penalties for violation. The enforcement of the act is committed to the state's attorney, and no duties under it are imposed upon the state mining board.

Miners' Examining Board.

In 1897 an act was passed requiring every person desiring to work by himself in a coal mine to present evidence to the mine manager of the mine at which he was employed that he had worked at least two years with, or as, a practical miner. In 1908 an act was passed (amended in 1909) providing for the creation of a miners' examining board in each county in which coal mining was carried on. These boards, composed of three members each, were appointed by the

county judges, and were authorized to issue certificates after examination to those desiring to work as miners. In 1913 the county boards were abolished and a single state board having the same general powers and duties was created.

The state miners' examining board consists of three persons, appointed by the Governor, by and with the advice and consent of the Senate, for a term of three years, each with a salary of $1,500 per year. Each examiner must have at least five years practical and continuous experience as a coal miner, and must have been actually engaged in coal mining as a miner in this state continuously for twelve months next preceding his appointment. The Governor may remove any member for neglect of duty, incompetency or malfeasance in office.

The duty of the board is to hold an examination, one in each calendar month in at least twelve places located most conveniently with reference to the districts in which coal is mined, for all persons in such districts who wish to engage in mining. The examination is to be of a practical nature so as to determine the competency and qualification of the applicant to engage in the business of mining.

Each applicant is charged a fee of $2.00, this fee to be paid by the board to the State Treasurer, once each month, together with a report showing where and from whom each fee was collected. The board is empowered to grant certificates of competency, upon the applicant's producing evidence of having had not less than two years practical experience as a miner or with a miner and upon his passing the required examination. This act provides that no person shall hereafter be employed as a miner in any coal mine unless he holds a certificate from the Miners' examining board. The act provides, however, that a certificated miner may have one person without a certificate working with him as an apprentice.

It is made the duty of the board to report all complaints and all violations to the state's attorney of the proper county, such officer being under obligation to prosecute all persons so offending.

The board has no official connection with the state mining board. It makes an annual report on the first day of March, to the Governor, of examinations held by it and work done by it during the preceding year, together with such recommendations as it may deem advisable.

Mine Fire Fighting and Rescue Stations.

For the purpose of providing prompt and efficient means of fighting mine fires and of saving lives and property jeopardized by fires, explosions or other accidents, the general assembly in 1910 authorized the establishment of three rescue stations to serve the northern, the central and the southern coal fields of the state. The rescue stations thus established were to be under the direction and management of a special commission appointed by the Governor. The commission consists of seven members including two coal mine operators, two coal miners, one state mine inspector, one representative of the department of mining at the University of Illinois, and one representative of the Federal

Bureau of Mines. For service rendered they receive compensation at the rate of ten dollars per day, not to exceed twenty-five days during any one year.

The commission was empowered to appoint as manager of the three stations a man experienced in mining and mine engineering and the manager by and with the advice and consent of the commission was authorized to appoint for each station a superintendent and an assistant, each to serve for two years. These officers now come under the civil service amendment act of 1911. The manager receives $250 per month, the superintendents $125 per month and the assistants, who under the act of 1910 received $75 per month, by amendment of 1913, receive a salary of $100 per month. But apparently the increased salary is not being paid. Only one extra assistant and one porter could be employed for each rescue car, until by amendment of 1913 two extra assistants were allowed.

The act makes it the duty of the manager, subject to the approval of the commission, to supervise the work at each station, and to file, at the end of each quarter a complete report of all operations and expenditures. He must provide that some representative be on duty at each station at all hours of the day and night.

Whenever the manager or the superintendent is notified of any accident or explosion requiring his services, it is his duty to go immediately and superintend the rescue work, co-operating with the management of the mine and (an amendment of 1913 adds) with the state mine inspector.

The commission is required to prepare a biennial report showing the work performed. An amendment of 1913 provides that the commission shall be given suitable rooms in the state house.

Miners' and Mechanics' Institutes.

To prevent accidents in mines and other industrial plants and to conserve the resources of the state by the education and training of all classes of workers in and about mines and other industrial plants of the state, legislation of 1911 provided for the establishment and maintenance of a form of educational betterment work known as the Illinois miners and mechanics institutes. The purpose of these institutes is to promote the technical efficiency of all persons working in and about mines and other industrial plants of the state and to assist them better to overcome the difficulties of mining and other industrial employments. For the accomplishment of this purpose any and all means may be employed such as the sending of bulletins, travelling libraries, lectures, correspondence work, etc. The administration of the Illinois miners' and mechanics' institutes is vested in the trustees of the University of Illinois.

The methods proposed for carrying out the work of the Illinois miners' and mechanics' institutes include offering (1) a two years course of systematic instruction at mining centers, (2) unit courses in single subjects at mining towns, (3) a short course at the University, (4) co-operation with other mining authorities and with schools and

libraries, and (5) various special activities.[6] A short course was offered at the University in the spring of 1914; and courses have been organized in a number of mining towns.

Mining Investigation Commission.

The General Assembly in 1909 created a mining investigation commission which was to report to the Governor and to the General Assembly at its next regular session, and was to go out of existence when this report was made. The sum of $25,000 was appropriated for the use of this commission. An act of 1911, almost identical with that of 1909, established a commission which was to report to the Governor and to the General Assembly at its next regular session, and which was then to go out of existence. An appropriation of $10,000 was made for the use of the commission. In 1913 a practically identical act was again passed, with the provision that the commission should terminate upon the adjournment of the Forty-ninth General Assembly (i. e., 1915), and an appropriation of $10,000 was made.[7]

The mining investigation commission established by these laws, consists of three coal mine owners and three coal miners, together with three other persons not identified with the interests of either mine owners or miners, and not in political life, all of whom are appointed by the Governor. The commission having been authorized, with a limited existence, by three successve acts, new appointments have been necessary under each of the acts.

The Commission elects a chairman and secretary from among their number, one of whom must be a mine owner and the other a coal miner. Meetings may be held at such times and places as the Commission may fix, but called meetings must be held upon the request of three members, and such called meetings are held either in Springfield or Chicago. Members of the Commission who are mine owners or coal miners receive no compensation for their services, but are reimbursed for actual expenses. The other members receive $10 a day for services rendered and are also reimbursed for actual expenses. The Commission is authorized to appoint a stenographer or clerk and other necessary employees. Disbursements of the money appropriated are made on the order of the Commission, signed by its chairman, attested by its secretary, and approved by the Governor. The State board of contracts is directed to provide necessary printing. Testimony taken by the Commission is required to be reported in full and may be published by the Commission.

The Commission is empowered to investigate "the methods and conditions of mining coal in the State of Illinois with special reference to the safety of human lives and property and the conservation of the coal deposits." By order of the Commission one or more of its members may be authorized to take testimony. The commissioners have power to issue subpoenas, and to apply to the circuit courts to compel the presence of witnesses and the production of evidence. The Commission is required to submit to the Governor and to the General

[6]Illinois Miners' and Mechanics' Institutes, Bulletins 1 and 2.
[7]Ill. Laws, 1909, p. 55; Ill. Laws, 1911, p. 65; Ill. Laws, 1913, p. 43.

Assembly at its next regular session, so far as they have unanimously agreed, a proposed revision of coal mining laws of the state, together with such other recommendations as they should think proper. Where unanimous agreements could not be had, separate reports may be submitted embodying the recommendations of any one or more members of the Commission.

The revision of the mining laws in 1911 was proposed by the first mining investigation commission, and substantially all the mining legislaton of the 47th and 48th General Assemblies resulted either directly or indirectly through the activities of the investigation commissions. The Commission has served as a valuable agency for obtaining agreements between operators and miners upon proposed legislation. Its expenses have not been heavy, and its continuance may be desirable so long as the subject of mining is one actively before the General Assembly.

Suggestions Regarding the Administration of Mining Legislation.

There are now four boards in Illinois having to do with the mining laws: the State mining board; the miners' examining board; the commission in control of the mine rescue stations; and the mining investigation commission. The mining investigaton commission is a temporary body, but such a commission will, by the end of the 49th General Assembly, have remained in existence for about six years.

A more effective organization is possible and it is recommended that one commission be vested with the general powers now exercised by the existing four. It may, however, be desirable that the mining investigation commission remain in existence, but if this is done the Commission should be organized upon a permanent basis. The mine rescue work is similar to the work now performed by the State mining board, and the rescue commission can now be abolished without any danger to the work of the rescue stations.

The State mining board now examines and issues certificates to mine managers, mine examiners and hoisting engineers, and there is no reason why it should not have supervision over the issuance of certificates of competency to miners. It is desirable that the actual conduct of the examination of miners should remain in the hands of a committee of miners, but supervision of the examinations, some control over the questions to be asked, and the administrative details with respect to the examinations should be in the hands of the state mining board. The appointment of the miners' examining board should also be vested in the State mining board.

A larger power should be conferred upon this board with respect to the enforcement of the act providing for fire fighting equipment and the acts relating to explosives; and the enforcement of the shot firers' act should be committed to the board. To this board should also be given power to make rules and regulations (after hearing and with judicial review) supplementing the present mining laws. The individual inspectors now exercise some discretion (not conferred by law) as to specific safeguards in mines; and an authority in the State mining board to make rules of general application would prove

more satisfactory than the present practice. The mining investigation commission in its 1913 report approved the plan of commiting to the mining board a general power to make rules and regulation for the subject of mining (such rules to replace the rigid statutory requirements), but thought the time not a favorable one for the introduction of the plan. In view of the fact that both miners and operators have adjusted themselves to the provisions of the present mining laws, it has been thought best to recommend now that the State mining board be granted power to make supplementary rules only.

The functions of the state mining board will be primarily advisory rather than administrative, and a permanent salaried board is unnecessary. The present State mining board, the mining investigation commission, and the mine rescue commission are on a *per diem,* and this plan should be continued for the state mining board, but with the *per diem* increased from $5 to $10.

The executive supervision of the work of the State mining board should be in charge of a secretary, and the central control over state mine inspectors should be very materially increased. The secretary should be a member of the board, and should be a competent person affiliated neither with employers nor employes. The board may then be composed of seven members; of the six, exclusive of the secretary, five may perhaps well be appointed as is now provided by law for the state mining board, two miners, two operators, one hoisting engineer, although there is no reason why hoisting engineers should be preferred to mine managers and mine examiners. The sixth member should be a competent person affiliated neither with miners nor operators. For the appointment of miners and operators provision should be made that the miners' and operators' organizations may make recommendations to the Governor from which the Governor may make appointments.

With respect to county mine inspectors, the present situation is somewhat chaotic. The county inspectors are appointed by county boards and paid from county funds; county inspectors must hold certificates as mine managers and are appointed (at least the statute provides that in the first instance the office shall be created) upon the written request of the State inspector. The State inspector may authorize a county inspector to exercise all the inspection functions in his county, during the absence therefrom of the State inspector. Bond of the state inspector may be held for the faithful performance of duty by the county inspector. Otherwise there is no official subordination of county inspectors to the state inspectors or to the state mining board, and the State mining board actually has no record of the counties which have appointed inspectors.

Reports received from the State inspectors for the various districts indicate that all the more important coal producing counties have provided for inspectors who are to give full time, or substantially full time, to mine inspection work; in a number of other counties inspectors have been appointed, but with *per diem* payment, limited either as to total annual amounts or as to the number of days. The State law provides that the compensation of county inspectors shall not be less

that $3 a day. Altogether thirty-six counties have made some provision for county inspectors, and it may be roughtly estimated that the expense to the counties in this connection is about $25,000. County inspectors are primarily responsible to the county boards from which they receive their appointments and salaries. The county inspectors are usually appointed for one year, although occasionally appointments are made for longer terms. The county inspectors do some independent inspecting, but in most counties they make inspections with the State inspector, one taking certain passages in the mine and the other inspecting a different part of the mine.

The present situation with respect to county inspectors is unsatisfactory, because of the lack of definite responsibility, varying salaries, and varying terms of office. For the correction of this situation two alternatives present themselves: (a) county inspectors may be continued, but under a much greater degree of subordination to the state service than at present; or (b) the scheme of county inspectors may be abolished, this rendering necessary an increase in the state inspection force and an increase of state expense although not an increase of total expense for mine inspection.

The second plan is thought to be the more desirable one. The mining investigation commission in its 1911 report said, "an important change and one which the commission has agreed should be made, for the purpose of securing a compact organization in the mine inspection service, directed by one board, available for use anywhere in the state and thereby providing greater efficiency, is the substitution of deputy inspectors appointed by the Governor and subject to the control of the state mining board, in place of the present county mine inspectors appointed by the various county boards at their pleasure." (p. 4.) The essential part of this recommendation, that as to replacing county inspectors by an increased state inspection force, is worth adopting. If the state inspection force is increased (at least twenty inspectors will be necessary), there should be a grading of salary so that a person appointed at one salary may be promoted for efficient work. Power should also be given the state mining board to assign inspectors and transfer them from one district to another.

With respect to state mining services the essential recommendations for reorganization may be summarized as follows:

(1) Establishment of a state mining board, which should unite the functions now exercised by the state mining board, mine rescue commission, miners' examining board, and possibly the mining investigation commission.

(2) The grant to this board of power to make rules supplementing the present mining laws.

(3) The appointment of a secretary, who shall have executive charge of the work of the state mining board and direct supervision over the several inspectors.

(4) The abolition of the office of county mine inspector, and the increase of the state inspectional force.

The work of the state mining board will, in large part be somewhat different from the work handled by other branches of the proposed

department of labor. For this reason the mining board and its secretary should not be strictly subordinated to the department of labor, but their reports should be transmitted through that department, and reports of mine accidents should go from the state mining board to the bureau of statistics of the department of labor. With respect to workmen's compensation, matters relating to mines as well as to other forms of employment should be handled through the compensation bureau of the proposed department of labor.

The scheme here proposed will cost perhaps a little less than that now in existence, but the cost to the state treasury will be greater because of the proposed transfer of expense now borne by counties in connection with the appointment of county mine inspectors.

IX. ACCIDENT REPORTING.

It will be well to indicate just what accident reports each office or department is now by law entitled to receive.

Industrial Board. Under the workmen's compensation act of 1911, the administration of a compensation scheme was vested in the bureau of labor statistics and reports provided for by that law were required to be sent to that bureau. The compensation act of 1913, however, created an industrial board, and provided that reports under the compensation law should go to that board. For employers and employees coming under the terms of the act, compensation is payable in case of incapacity of more than six working days, resulting from accident.

The reports required by the act of 1913 to be sent to this board by employers under the workmen's compensation act are as follows:

(1) An immediate report of all accidental injuries arising out of or in the course of employment and resulting in death.

(2) A report between the 15th and 25th of each month of all accidental injuries for which compensation has been paid under the act, which injuries entail a loss to the employees of more than one week's time.

(3) In case the injury results in permanent disability a further report as soon as it is determined that permanent disability has resulted or will result from such injury.

The act provides (in this respect repeating a provision of the compensation act of 1911) that "the making of reports as provided herein shall release the employer covered by the provisions of this act from making such reports to any other officer of the state." This relieves from making reports such as above required to any other officer of the state, except with respect to the public utilities commission, which was created by an act approved June 30, 1913, whereas the workmen's compensation act of 1913 was approved June 28.

It becomes important, therefore, to know just what reports need now be made to other state officers by the employers accepting the workmen's compensation act. Such reports as those under No. 3 above are not required by law to be made to any other office, and as to them there is no question.

As to No. 1 above reports of accidents resulting in death would, under the laws of 1907 and 1909, have to be made to other officers if the employer were not under the compensation law, but do not have to made if he is under this law. Reports of death in such cases need not go to the factory inspector's office or to the bureau of labor statistics, or to the state mine inspector if the employee is engaged in mining.

An employer (other than a public utility) accepting the workmen's compensation act is excused from reporting deaths to any one else.

As to the second class of reports noted above, attention should be called to the fact that they are reports not of accidents primarily but of accidental injuries for which compensation has been paid. Reports of precisely this character are not required to be made to any other office of this state, and it may be argued that the making of such reports does not properly exempt the employer from the requirement that he make to other offices within a certain time a report of the accident, or at least that he report to other offices accidents for which compensation has not yet been paid. Under the compensation act of 1913 (Sec. 12), a delay of at least 30 days may take place in some cases before it is known whether compensation will be claimed, and if reports were still required under earlier laws, they would very likely be due before compensation has actually been paid. However, the purpose of the legislature was probably to exempt an employer under the compensation law from reporting to any other officer all accidents for which compensation might be payable or had been paid. And such was the ruling of the Attorney General, under the compensation act of 1911. In reply to a letter from the chief factory inspector, Attorney General Stead wrote on May 3, 1912:

"All establishments which have elected to come under the provisions of the compensation act are required by that act to compensate for injuries resulting in accordance with the provisions thereof, and inasmuch as section 19 provides that all accidents resulting in the loss of more than one week shall be reported, and section 112 [the health, safety and comfort act of 1909] . . . fixes the loss of fifteen consecutive days' time or more as the basis of the report, I am of the opinion that the words 'all accidents or injuries for which compensation has been paid under this act', were not intended by the General Assembly to require those establishments which have elected to accept the provisions of the compensation act, to make reports to your department of accidents for which compensation has not been paid, for the reason that the act contemplates payment for all injuries resulting in a loss of more than one week's time."[8]

The Attorney General ruled that all establishments accepting the provisions of the compensation act were excused from the necessity of making reports to the office of the chief factory inspector and the principle of this ruling would apply to the compensation act of 1913. This principle, if established as to reports to the state factory inspector, would also exempt any employer under the compensation act from reporting to the bureau of labor statistics or the state mine inspectors. Of course, employers not accepting the compensation act are in no way excused from reporting accidents under earlier laws. Throughout the remainder of this discussion the Attorney General's view is adopted, inasmuch as it is the view upon which the several labor offices have acted.

[8]Report of the Attorney General, 1912, p. 1089.

Public Utilities Commission.

Every public utility in the state is required to make reports of certain classes of accidents to the public utilities commission. Two classes of accidents are to be reported: (1) "Every accident occurring or that may occur to or on its plant, equipment or other property of such a nature as to endanger the safety, health or property of any person." These reports are to be sent in under such rules and regulations as the commission may prescribe. This first class of accidents includes accidents to property, primarily, and as such is of only incidental importance in this connection. (2) The second class of accident reports to be sent to the public utilities commission includes "any accident which occasions the loss of life or limb to any person." These reports are to be sent immediately upon the happening of the accident, by the speediest means of communication, whether telephone, telegraph, or post. The public utilities act contains no provision which exempts public utilities from making reports of accidents to other state agencies. Consequently this act does not affect any other act which requires accident reporting. Nor is the act affected by any other act. The public utilities act was approved June 30, 1913, subsequent to any of the other acts here considered, and consequently provisions in the workmen's compensation act of June 28, 1913, and in the health, safety and comfort act of 1909, which release persons affected by either from reporting to other state agencies, do not operate to release any public utility from reporting accidents required of it by this act, to the public utilities commission. The public utilities commission will therefore, be entitled to receive reports of all accidents which by the public utilities act are required to be sent to it.

A public utility, however, will be affected by other acts and will be required to make additional reports to other state agencies. If it is under the workmen's compensation act, reports required by that act must be sent to the industrial board.

If the public utility is under the workmen's compensation act it will report only to the public utilities commission and to the industrial board. If it is not under the workmen's compensation act the public utility will be required to report to the bureau of labor statistics all accidents covered by the accident reporting act of 1907, in addition to its regular reports to the public utilities commission.[9]

State Mine Inspectors.

Under section 25 of the coal mining act of 1911, the state mine inspector is entitled to receive reports from every person having charge of any mine, of every accident which occasions "any loss of life or personal injury in or about any coal mine." The report is to be sent "without delay" to the state inspector having charge of the district in which this accident occurred. The mines and mining act does not release any mine operator from making reports of accidents to other state agencies. It, therefore, does not affect any other such act. The

[9]Under opinion of Attorney General under Railroad and Warehouse Law. Report of Attorney General, 1908, p. 558. For the view that reporting to mine inspectors does not relieve from reporting under act of 1907, see Ibid, p. 559.

act, however, is affected by the workmen's compensation act, but by no other act. If a mine operator is under the workmen's compensation act, reports thereunder, which go to the industrial board relieve from the necessity of reporting the same accidents to the state mine inspector. This does not relieve mine operators who are under the compensation law from reporting to the mine inspector minor accidents not subject to the compensation law.

In some cases mine operators under the workmen's compensation act have declined to report accidents to the state mine inspectors, and there is a possibility of the mine operators uniting in such refusal. The present Attorney General has ruled that mine inspectors are entitled to receive reports of accidents, even though the operators are under the workmen's compensation law, but it is doubtful whether this view would be upheld by the courts.

Under the act of 1907 the bureau of labor statistics is entitled to receive reports of a certain class of accidents from all mines. The bureau of labor statistics will still receive these reports from mine operators provided they are not under the workmen's compensation act. Reports from mines which are sent to the industrial board need not be sent to the bureau of labor statistics. The bureau of labor statistics will receive accident reports only from mining companies which are not under the workmen's compensation act.

Department of Factory Inspection.

The state factory inspector, under the health, safety and comfort act of 1909, is entitled to receive reports of two classes of accidents occurring in "all factories, mercantile establishments, mills and workshops in this state." The first class includes "all accidents or injuries resulting in death." Reports of such accidents must be sent to the state factory inspector immediately upon the happening of the accident. The second class includes "all accidents or injuries occurring during the previous calendar month which entailed a loss to the person injured of 15 consecutive days' time or more." These reports must be made to the state factory inspector between the 15th and 25th of each month. Any employer who makes the reports of accidents required by this act is not required to make such reports to any other state officer, board or commission. This act, having been adopted in 1909, affects the act of 1907 requiring reports to be sent to the buerau of labor statistics, but does not affect any other act. The bureau of labor statistics is not entitled to receive reports of any accidents occurring in any factory, mercantile establishment, mill or workshop in this state.

The health, safety and comfort act is affected by the workmen's compensation act of 1913 but by no other act. The latter act relieves all persons reporting to the industrial board from reporting the same accidents to any other state officer. The state factory inspector is not entitled to receive reports of any accident from any factory, mercantile establishment, mill or workshop which has adopted the workmen's compensation act.

Bureau of Labor Statistics.

The bureau of labor statistics, under the accident reporting act of 1907, is entitled to receive reports from "all persons employing laborers of any character," "of every serious injury entailing a loss of 30 or more days' time, injury or death of every employee caused by accident while in the performance of any duty or service for such employer." These reports are to be sent in within thirty days from the date of the injury or death. The act does not affect any other act having to do with accident reporting, but is affected by the health, safety and comfort act of 1909, and by the workmen's compensation act of 1913 when such person comes within its provisions. The health, safety and comfort act relieves a person reporting accidents to the state factory inspector from reporting such accidents to any other state officer and the workmen's compensation act as interpreted relieves a person reporting to the industrial board from reporting the same accidents to any other state officer. The bureau of labor statistics therefore, will receive reports only from those persons who are not under the provisions of either of these two acts. Factories, mercantile establishments, mills and workshops will not report to the bureau of labor statistics, they being relieved by reporting to the state factory inspector. Public utilities, mines and all other persons employing laborers (not in factories, mercantile establishments, mills and workshops) will still report to the bureau of labor statistics, unless they elect to come within the provisions of the workmen's compensation act. Since the bureau of labor statistics act applies to all persons employing laborers, there will be a large class still bound to report to that body. They, however, may be relieved from making such reports by adopting the workmen's compensation act.

Character of Reports.

One other situation arising out of the general scheme of accident reporting may be noted. The reports sent to the various state offices are not identical nor do they cover the same classes of injuries. To the bureau of labor statistics is sent a report of the death of every employee and the injury to every employee caused by accident, while in the performance of his duty and which entails a loss of 30 or more days' time. The character of the report is specified in the statute. To the state factory inspector is sent reports of all accidents or injuries resulting in death, and all accidents or injuries which entail a loss to the person injured of 15 consecutive days' time or more. The character of the report is specified in the act of 1909 and is, except in a few minor points, identical with that of the report to be sent to the bureau of labor statistics. The state mine inspectors are entitled to receive reports of any loss of life or personal injury in or about a mine; minor injuries are included here which are not included in the acts of 1907 and 1909. The character of the report is left to be determined by the state mine inspectors or by the State mining board. The public utilities commission receives reports (exclusive of reports of accidents to property) only of accidents which occasion the loss of life or limb to any person, but less serious accidents would in most cases have to be reported in

connection with reports of accidents to public utility property. The character of the report is to be fixed by the rules of the commission.

To the Industrial Board are sent reports of (1) accidental injuries arising out of the course of the employment and resulting in death, (2) accidental injuries for which compensation has been paid, and (3) an additional report of all injuries which result in permanent disability. The character of the reports is specified by the act.

Purposes of Accident Reporting.

Accident reporting by employers has a three-fold purpose:

(1) The indication of conditions bearing upon safety in employment. This is its main purpose.

(2) For statistical statement and publication as to conditions under which labor is conducted in Illinois.

(3) The enforcement of the compensation act as to employers and employees who are under its terms.

(1) Reports of accidents to the chief state factory inspector, the public utilities commission and the state mine inspectors have to do with the subject of safety. Reports to the public utilities commission under the act of 1913 are not affected by the possibility that reports of the same accidents may have to go to the bureau of labor statistics and, if the employer is under the compensation act, to the industrial board. Reports to the state mine inspectors will not be necessary, it would seem, if the same accidents are to be reported to the industrial board by the employers under the compensation law. And an employer under the compensation law need not report accidents to the office of the chief state factory inspector.

It is out of the question for the factory inspector's office to make frequent inspections of all establishments in the state, but the occurrence of an accident in any factory should result in an immediate inspection. An effective system of accident reporting is necessary in order to obtain a satisfactory enforcement of the laws having to do with safety in factories. But under present conditions there can be no assurance whatever that accidents are reported to the factory inspector's office. An employer under the workmen's compensation act is exempt from making such reports and the factory inspector's office does not know what factories are exempt and what are not (although it would be possible to get from the industrial board a list of those coming under the compensation law). The factory inspector's office therefore not only does not get all the accident reports which it should have as a basis for its work, but also it does not get all the reports to which it is entitled under the law, for it is clearly entitled to get reports of all accidents occurring in factories, mercantile establishments, mills, or workshops which result in a loss of fifteen days' time or more, if such establishments are not under the compensation act. The fact that some employers who previously reported accidents to this office need not do so now makes it easy for an employer to escape accident reporting altogether.

In truth the factory inspector's office seems to have been under the impression that the compensation act of 1911 relieved the employer

from the necessity of making any accident reports to it, and such a statement is made in the report of that office (in manuscript) for 1912-13. At the same time the report of the chief state factory inspector for 1912-13 urges the desirability of having all accident reports come directly or indirectly to the factory inspector's office. At present this office gets some accident reports, but cannot be sure what proportion of accidents is reported, and for Chicago relies upon reports obtained from the police bureau. For the rest of the state the factory inspector's office relies upon more or less haphazard information as to accidents. Under the present laws the reports of accidents in mines are almost if not equally as confused as those of accidents in factories, etc.

Another difficulty under which the chief state factory inspector's office would labor, even if it were trying systematically to get all accident reports to which it is entitled, is that the health, safety and comfort act of 1909 requires reports of accidents in factories, mercantile establishments, mills, or workshops to go to the factory inspector's office, while other employers of labor are under the act of 1907 required to report accidents to the state bureau of labor statistics. In many cases it would not be clear which of these offices should receive reports from an employer of labor (who is not under the compensation act of 1913) and the result would probably be that such an employer would escape making accident reports to any state office. Under present law in Illinois no one office can make a list of all establishments required to report accidents, and systematically enforce the duty of accident reporting imposed upon employers.

(2) For the second purpose of accident reporting, that of providing and publishing statistical information, the bureau of labor statistics is the state organ. Under the act of 1907 and the workmen's compensation act of 1911 accident reports went to this bureau, except those of accidents occurring in factories, mercantile establishments, mills or workshops, which went to the chief state factory inspector's office under the act of 1909. Now (under the act of 1913) accidents occurring in cases where the establishment is under the compensation act of 1913 are reported to the industrial board. Under the mining act of 1899, repealed in 1911, certain reports from mine inspectors went also to the bureau of labor statistics. In its 1912 report the bureau of labor statistics compiled the reports received by it under the act of 1907, the reports received by it as the organ administering the compensation act of 1911, and in addition obtained the reports made to the state factory inspector under the act of 1909. Now, however, if satisfactory accident reports are to be published, the bureau of labor statistics must make sure of getting not only the accident reports coming to itself, but also those coming to the chief factory inspector's office, to the industrial board, and to the state mining board (although all reports reaching the latter should also be in the hands of the bureau of labor statistics or of the industrial board). There is no power in the bureau of labor statistics to require the delivery to it of accident reports made to other offices, nor need the reports to the several offices be uniform. It will be a matter of surprise should the statistical reports

of accidents published by the bureau of labor statistics prove at all complete or satisfactory, in the present state of the law.

(3) For the purpose of enforcing the compensation act, the act of 1911 provided for accident reports to the bureau of labor statistics and the act of 1913 for reports to the industrial board. Reference has already been made to the difficulties occasioned by the act of 1913, with respect to accident reports to other offices. In addition, attention should be called to the fact that the compensation acts of 1911 and 1913 each required, except in case of death, the reporting only of "accidents for which compensation has been paid" under the acts, whereas those administering a compensation scheme are even more interested in accidents for which compensation may be due, but has not yet been paid. Compensation, under the act, is not necessarily paid at once but may be delayed for a period of some length.

The Employer Under the Present Situation.

From the standpoint of the employer the present situation is a troublesome one. If under the compensation act his position is not difficult (as that law is interpreted by the Attorney General), although a public utility under the compensation law is required to report its accidents both to the industrial board and to the public utility commission.

If not under the compensation law the employer must decide whether under the law as it now stands he is to report to the chief state factory inspector's office or the bureau of labor statistics; and it may not always be clear whether his business is or is not a factory, mercantile establishment, mill or workshop. If this point is difficult to decide the employer is apt to wait until one office or the other reminds him of his failure to report, in many cases perhaps thinking rightly that his failure will not be detected. Such a failure to define clearly the jurisdictions of the two offices probably results in incomplete accident reports from employers.

Even if the point just discussed were clear, the employer's difficulties are not at an end. If a public utility, not under the compensation act, reports of accidents must go both to the public utilities commission and to the bureau of labor statistics. If a mine, and not under the compensation act, reports of accidents must go to the bureau of labor statistics and to the state mine inspector. Moreover, where reports to two state officers are required, the content of the reports is different and the employer is put to much unnecessary annoyance.

Suggestions.

If there is to be a consolidated department of labor, it will probably be best to have all reports of accidents to workmen (except those with respect to miners), go directly to the bureau of statistics; from this bureau copies could at once be forwarded to the other bureaus. Such a plan, however, would not work satisfactorily unless the central offices of all bureaus were in the same building.

Another function of a bureau of statistics may properly be that of preparing and keeping up to date an industrial directory of the state. A definite knowledge as to what establishments are doing business in the state is necessary, not only that full statistics may be obtained, but also in order that an efficient inspection of factories may be had.

It is undesirable to have the forms for accident reporting fixed by law. Power to determine forms for all industries except mines should be vested in the industrial commission (formed as indicated on p. 84). For mines the form should first be determined by the state mining board, subject to review by the industrial commission. The forms should be so devised that an employer need make but one report for each accident.

X. GENERAL SUMMARY AND RECOMMENDATIONS

Recent Developments in Other States.

The tendencies of labor legislation in other states have been toward (1) centralization of administration in the hands of one bureau or department, (2) a greater degree of flexibility in the labor legislation itself, and (3) a closer co-operation between employer and employee in the enforcement of labor laws.

(1) Effective administration cannot be expected from a series of independent offices, with conflicting powers. Wisconsin in 1911 established an industrial commission and placed the administration of all labor legislation in the hands of this commission. Ohio in 1913 adopted a similar plan. New York and Pennsylvania have to a large extent centralized the administration of labor legislation.[10]

(2) The policy in this country until recently has been to enact statutes which attempt to cover in detail every contingency that may arise in connection with the guarding of machinery, etc. It is impossible to cover all such details in a statute, and to change statutory provisions quickly so as to adjust them to changing industrial conditions. The situation is much the same as that which prevailed some years ago with reference to the fixing of railroad rates. Legislatures have now realized that it is impossible to regulate rates in detail by statute, and have committed this task to permanent commissions, laying down in the statute the general principles under which the commission should act.

The New York State Factory Investigating Commission said in its report[11] in 1913: "The labor law is framed on what we believe to be a mistaken theory, that the requirements for the protection of the health and safety of workers should all be expressed within the four corners of the statute itself. The attempt to carry out this theory has led to the enactment of provisions so specific and rigid in their requirements as to make their enforcement in many cases, unjust or even impossible. They fail to take into account the varying conditions in different industries. In some instances where the impossibility of setting a rigid standard for all cases was manifest, the provisions of the law were made so vague and indefinite that their meaning or application could not be determined at all, or had to depend upon the exercise of an administrative discretion, a one-man discretion, so arbitrary in character and so calculated to work injustice, that it was either not exercised at all, or when exercised, became a natural subject of distrust on the part of the courts. We believe that the only way

[10]See Report on the Reorganization of Labor Departments in other states, appended to this report.

[11]Second Report, 1. p. 30.

of obtaining a labor law which can be enforced, is to abandon the theory underlying the labor law as it now stands; namely, that it is possible in any statute to provide specifically the measures to be taken for the protection of the lives, health, and safety of workers in each industry and under all conditions. We are of opinion that the legislature should make broad and general requirements for safety and sanitation, setting forth where practicable minimum requirements, and delegating to some responsible authority the power to make special rules and regulations to carry the provisions of the statute into effect in the different industries and under varying conditions.

These rules and regulation should be collected in an industrial code that could be enlarged or changed with comparative ease from time to time as occasion might require. Such a principle is approved by all those who have given time or study to this important subject."

In 1913 the New York legislature put this recommendation into effect; and the New York example was immediately copied by Pennsylvania. Massachusetts and California in 1913 adopted a similar principle. Wisconsin, through her industrial commission law in 1911 (largely copied by Ohio in 1913) set the standard for legislation of this type. Rules for industry were to be made by the industrial commission after a hearing and were to be reviewable on appeal to the courts under certain conditions. There is no arbitrary power and every legitimate interest is properly safeguarded.

Several plans of organization are possible, if the labor bureaus are to be consolidated, and if a wide power to make rules and regulations is vested in the consolidated department. Upon this subject the following quotation from the report of the New York commission is of interest:

"To give one man, namely the Commissioner of Labor, the power to make rules and regulations, would be entirely out of the question. This power is too great to entrust safely to any one individual. Two other methods were suggested: (1) to create a commission at the head of the Department of Labor in place of the present single commissioner, with power to make rules and regulations and to enforce them, and (2) to create a board within the Department of Labor to make rules and regulations, and to leave the Commissioner of Labor at the head of the department as at present, with full power to enforce the provisions of the statute and the rules and regulations adopted by the board, and with full responsibility for their enforcement."

"The Commission has carefully considered the advantages and disadvantages of each plan. We have found that there are advantages and disadvantages in each, but after careful study we have decided that the second alternative is the one likely to produce better results in the state. In reaching that conclusion we were guided by the following principles:

1. Responsibility for enforcement of law must be definitely located.
2. Administrative work can best be done by one man.
3. Questions involving discretion and requiring deliberation are best decided by a body of men."

"The plan we propose has the deliberative advantages of commission government, and the administrative advantages of a single head. The formation of a board to make, with due deliberation, regulations that shall carry into effect the intent and purposes of the law, will secure for the department all the benefits of a commission; and the retention at the head of the department, of a single commissioner to enforce the law and the regulations adopted thereunder, will prevent any shifting of responsibility."

"The question has arisen, whether this board shall be merely advisory and its conclusions subject to veto by the Commissioner of Labor. We believe, however, that such veto power would not produce good results. Nevertheless, the Commissioner of Labor should not be placed in a subordinate capacity, but should be chairman of this board and thus have an important voice in framing the rules and regulations upon which the successful administration of his department so largely depends."

There are four possible plans of organization: (1) The Wisconsin plan, where the executive administration, as well as the framing of rules, is placed in the hands of a commission of three members. This plan is open to the objection that it scatters administrative responsibility for the work of the department. (2) The plan of creating a board by associating with the head of the department of labor several advisory members who do not give their whole time to the work of the board. Advisory boards, performing only occasional services, have not in general proven satisfactory. (3) The plan of creating a board by associating the chiefs of the several labor bureaus with the head of the labor department. This plan has advantages, but is open to the objection that it confers independent advisory and discretionary functions upon officers who are administratively subordinate to the head of the labor department. (4) The plan of associating with the head of the department, two deputies, who should be free from administrative duties but devote their whole time to the work of the department, the three to act as a board for matters requiring discretionary action. It may be objected to this plan that it proposes the appointment of two important officers who would have very little to do. Yet these deputies would have enough to do if they (a) acted as part of a board in compensation cases, in passing upon matters affecting private employment agencies, and in arbitration matters (b) conducted investigations and hearings upon matters affecting labor; and acted in obtaining co-operation by employers and employees in drawing up rules applicable to particular industries (c) acted as a part of the board in adopting rules and regulations. A more serious objection is the one that friction may result from having two officers exercising independent powers by the side of the head of the department of labor; yet the possibility of friction is hardly as great as under the Wisconsin plan. For Illinois the choice seems to lie between the third and fourth plans suggested above, with some advantage in favor of the fourth plan.

The present chief factory inspector is opposed to any plan which would vest in him a large discretion as to what rules should be observed, and such a discretion clearly should not in any case be vested in one

individual. Yet at present a wide discretion is vested in the factory inspector's office under the health, safety and comfort act and under the occupational diseases act, and the discretion here is almost necessarily in fact the personal discretion of the individual inspector who inspects a particular factory.

Much of the Illinois legislation is either too rigid or too indefinite. Where rigid and detailed standards are set they are often inapplicable to particular factories (or mines) and the inspector does not attempt to enforce them. Where no definite standard is fixed the inspector either does not impose one (this being perhaps the more frequent case) or he exercises an uncontrolled discretion, in first instance, in doing so; of course the standard which he may fix in such a case is subject to review by the courts, but judicial training devolops no especial competence to pass upon the proper safeguarding of machinery. The health, safety and comfort act provides that dangerous places "where practicable" shall be enclosed (Sec. 1), that poisonous fumes or gases and dusts injurious to health "shall be removed, so far as practicable" (Sec. 12), and that in factories, etc., "sufficient and reasonable means of escape in case of fire shall be provided" (Sec. 14). The occupational diseases act provides that the department of factory inspection shall require the "installation of adequate and approved appliances" (Sec. 12). If under these provisions action is taken by the department in setting a standard for a particular factory, such action is reviewable only through a court proceeding. Greater efficiency from the standpoint of the factory department and a more adequate safeguarding of the rights of the employer will be obtained by vesting in a commission (acting under proper safeguards) power to fix general standards for each industry. Under this plan the powers of individual inspectors to fix different standards for factories in substantially the same condition would largely disappear.

In order to control more effectively power granted to a commission to make rules, the General Assembly in conferring such power may properly (1) fix in important matters certain maximum or minimum standards limiting the authority of the commission; (2) require that rules made by the commission be submitted at the next succeeding session of the General Assembly. Rules thought improper by the General Assembly could then be repealed.

(3) A man familiar with labor administration in Illinois has recently said that the mining legislation is effective only so far as it is enforced by agreements between employers and employees. This statement may not be altogether true, yet it is true that the enforcement of safeguards in industry must depend primarily upon the employer and employee rather than upon state inspection. An inspection force, no matter how large, cannot enforce in detail all requirements now imposed by labor legislation in Illinois. Under the Wisconsin Industrial Commission law, an effective administration has been made possible by the fact that committees of employers and employees have been appointed for each industry to work out safety rules for that industry. The framing of such rules has been in itself an education regarding the need for the rules framed. But such co-operation be-

tween employer and employee cannot be obtained without some degree of centralization in the enforcement of labor laws, and some flexibility in the rules to be framed. In one or two cases factory inspectors in Illinois have already made successful efforts to work out, in co-operation with employers, standards for particular industries, but little can be expected in this field without a reorganization of the officers administering the labor laws.

Present Situation in Illinois.

According to the census of 1910 there were in 1909, 18,026 manufacturing establishments in Illinois employing 465,764 wage earners. Of these, 9,656 establishments, employing 293,977 wage earners, were in Chicago. There were in the same year 470 bituminous coal mines, employing 74,445 wage earners. For the enforcement of the health, safety and other labor laws with respect to these and other employments there are thirty state factory inspectors (and a chief inspector) and twelve state mining inspectors. The factory inspectors operate mainly in Cook County and the mine inspectors entirely outside of that county. For the enforcement of safety appliances on railroads, safety inspectors (two at present) are provided under the public utilities commission,[12] who largely duplicate work done under federal law. Under the food inspection act of 1911, state food inspectors are required to enforce sanitary conditions for employees in the manufacture of foodstuffs. In earlier parts of this report reference has been made to the powers of the board of health under the occupational diseases act; and the powers of local school, health, building, and other authorities under other acts relating to conditions in factories or other work.

The following statement shows the various authorities for the administration of labor legislation, the number of persons employed, and the salaries and appropriations for the two years 1913-15:

	Number Employed	Salaries and Appropriations 1913-15
Bureau of Labor Statistics (and Commissioners of Labor)	12	$ 28.655
Inspector of Private Employment Agencies.	10	30,740
Free Employment Offices (8)	42	108,670
Factory Inspection Department	46	164,820
Industrial Board	8	79,600
Board of Arbitration	4	14,000
State Mining Board and Mine Inspectors	23	103,800
Miners' Examining Board	3	16,200
Mine Rescue Commission	14	95,700
Mining Investigation Commission		10,000
Miners' and Mechanics' Institutes		30,000
Total	162	$682,185

[12]Illinois Laws, 1913, p. 508.

The only revenue producing offices are the miners' examining board and the office of the chief inspector of private employment agencies. The miners' examining board has just been established as a state board. In the year 1912-13 the revenue from private employment agencies was $15,825.

Several of these offices (the three first listed above) are subordinated to a small extent to the commissioners of labor, but otherwise each is independent in its own sphere. Moreover, the free employment offices are entirely independent of each other. As to accident reporting to the various offices, the situation is especially confused, and accident reports in this state are incomplete and of little value.

The state miners' examining board, created in 1913, examines miners, while the state mining board examines mine officers. There is no satisfactory reason for two entirely independent boards. The board of arbitration has little to do, and its powers may well be bestowed upon some other board. Discretionary functions, which should properly be handled by a board, are exercised by the commissioners of labor (especially with reference to the revocation of licenses of private employment agencies), by the board of arbitration, and by the industrial board (in hearing contests regarding compensation). All of these discretionary functions may easily and more efficiently be exercised by one board.

Under present legislation, moreover, there has been no adjustment of salaries to the work done. Factory inspectors receive $1,200, inspectors of private employment agencies $1,500, and state mine inspectors $1,800. The character of work does not justify these differences, and here there must be some leveling up, if efficient inspectors are to be obtained. The chief inspector of private employment agencies receives $3,600, while the chief of the factory inspection department, a much more important officer, receives $3,000. The commissioners of labor receive $150 a year, for which they are called upon to do more than the members of the board of arbitration who receive $1,500 a year. The secretary of the board of arbitration receives the same salary ($2,500) as the secretary of the commissioners of labor (the executive officer of the bureau of labor statistics), yet one office has apparently had few duties while the other requires continuous service.

An even more serious situation exists with reference to the appointment of officers administering labor legislation. The civil service law exempts from its terms officers appointed by the Governor, subject to confirmation by the Senate. The Attorney General has ruled apparently that this exempts all officers who were by law to be appointed by the Governor. The superintendent, assistant superintendent and a clerk of each free employment office are appointed by the Governor with the advice and consent of the Senate, and are clearly exempt from civil service, as are also members of the board of arbitration, state mining board, miners' examining board, industrial board and commissioners of labor. Under the terms of the law, the mine rescue commission is appointed by the Governor alone. The chief inspector of private employment agencies, the chief factory inspector, the factory

inspectors and several other officers of the factory inspection department, and state mine inspectors, were by law made appointive by the Governor, and are exempt from civil service under the Attorney General's ruling. For mine inspectors the state mining board conducts an examination and appointments are for a two-year term. The clerical forces are appointed under the civil service law, as are also deputy inspectors of private employment agencies, and the secretaries of the board of arbitration and the bureau of labor statistics. However, there is for the body of technical positions no guaranty of technical efficiency or permanence of tenure.

The annual reports of the various offices do not cover the same period. Reports for the year ending June 30 are now made by the chief state factory inspector, by the inspector of private employment agencies, by the state mining board, and reports for the same period are to be made by the industrial board. Reports of the free employment offices are made for the year ending September 30, the report of the bureau of labor statistics on accidents is made for the year ending December 31, and the report of the miners' examining board is to be made on the first day of March, so that the results shown by these reports are not comparable with those of the other offices.

Under present legislation in Illinois it is natural that no systematic effort should have been made to view the labor problem as a whole and to co-ordinate the activities of all the state offices. A number of the less important laws are not committed to any one of the present offices for enforcement. The best single piece of individual investigation of a labor problem in this state was done, not by a permanent office, but by the special commission on occupational diseases.

Recommendations.

(1) That all labor bureaus and offices be consolidated into a Department of Labor and Mining which should have the following bureaus or divisions:

(a) Bureau of Statistics.
(b) Bureau of Inspection, to cover the work now undertaken by the factory inspection department.
(c) Bureau of employment, to operate public employment offices and to inspect private employment agencies.
(d) Bureau of Workmen's Compensation.
(e) Bureau of Arbitration and Mediation.
(f) Division of Mining.

Much may be said for the plan of organizing an industrial commission and giving it full power to create bureaus and appoint its subordinates. From a practical standpoint, however, it will probably be necessary to provide by statute for bureaus to perform functions now performed by existing bureaus and offices. It would be desirable to give the commission power to create new bureaus, and transfer functions and officers from one bureau to another. The commission should also have some power to determine the salaries of its subordinates, and the number of employees to be used in several bureaus.

Much of the administrative detail now in the statutes should be omitted. This is especially true with respect to free employment offices and the inspection of private employment agencies.

(2) That the department of labor be under a commissioner as an administrative head; that each bureau be under a single chief of bureau. The division of mining should have a secretary, as executive officer, and a State mining board to exercise the powers of the several mining boards. For an outline of suggestions with respect to mining, see pp. 64-67.

(3) That two deputies to the commissioner of labor be provided, they with the commissioner to act as an industrial commission for the functions which more properly require board action. The deputies should also have power individually to hold hearings and investigations upon matters affecting labor or any of the laws committed to the department of labor for enforcement.

(4) To the commissioner and deputies as a board should be granted wide power to make regulations governing conditions of labor, such regulations to be made after hearing, and subject to court review as in Wisconsin. This would be no more open to constitutional objection than is the delegation of rate-making power to the public utilities commission. If such power is conferred, there should in any re-enactment of present labor laws, be a provision that the present detailed statutory regulations shall remain in force until the subjects in each particular case have been covered by regulations issued under the authority of the new department of labor.

(5) Each person inspecting factories, etc., under one law should have full authority to enforce all labor laws. The penalties imposed under the several laws should be more uniform than at present.

If carried out, these recommendations would permit an adjustment so far as concerns the present situation with respect to accident reporting, and would make necessary some co-ordinated management of public employment offices. In addition it would make it possible to work out an effective administration of labor legislation as a whole.

It should be suggested, however, that much of the advantage of a consolidation of labor offices will be lost unless arrangements are at the same time made for the housing together of related bureaus. The scattered location of the present offices is such as to make co-operation difficult, were such co-operation sought. The offices of the factory inspection department, industrial board, and chief inspector of private employment agencies are in Chicago, and each is in a different building. The secretary of the state board of arbitration also has an office in Chicago. The mining boards and the bureau of labor statistics (with what supervision exists over free employment offices) are in Springfield. For a consolidated department all of the central offices should be in one building; and if particular bureaus require offices in other parts of the state, all of such branch offices in any one city should be in the same building. This statement, however, should not apply to free employment offices, where it is desirable to have several offices in the same city.

(6) The enforcement provisions of some of the laws should be made more effective, as, for example, by so amending the hours of labor law for women as to penalize the obstructing of an inspector.

(7) Attention has been called in a number of places throughout this report to defects in the substance of legislation. So, for example, with respect to child labor laws, a medical certificate should be required of children where there is no evidence of age except the parent's statement, children between the ages of 14 and 16 should be required to read and write in English before being given certificates entitling them to work, and a duty should be imposed upon inspectors to require medical certificates of children between 14 and 16 who appear to be physically unable to work. Inasmuch, however, as the work of this committee is that of dealing with administrative organization and methods, it would hardly be wise to attempt a thoroughgoing revision of the substance of labor laws.

If the plan here recommended is adopted, the expense of the new organization will probably be equally as great as that under the present organization. Of the general labor boards whose abolition is recommended, the members of the board of arbitration receive $4,500, the members of the industrial board, $12,000; and the commissioners of labor $750. The commissioner of labor and his deputies (under the plan recommended) should receive rather large salaries, and a chief of the compensation bureau must replace the present industrial board. The salaries for new offices would therefore, probably equal those of the abolished positions.

Substantially the same statement will hold as to the recommendations with respect to a reorganization of mining services. It is recommended that the mine rescue commission be abolished, but this is a *per diem* commission the payment of whose members does not constitute a heavy expense. It has been recommended also that the miners' examining board be abolished as an independent board, but an equal cost must be incurred by the establishment of a subordinate board to conduct examinations of miners. With respect to the reorganization of mining services it has already been suggested that an increased expense to the state treasury (but not an increased total expense) will be incurred by the abolition of county mine inspectors and the increase in the number of state mine inspectors.

This statement regarding relative expense leaves entirely out of account any changes which may result from a proposed equalization of salaries throughout the whole state service.

Legislative Methods of Carrying the Above Recommendations into Effect.

The present labor legislation of Illinois is scattered through a number of acts, and each office or bureau is vested with certain powers by the act creating it. To centralize the administration of labor laws, will, therefore, require the changing of provisions now found in at least eight separate acts. If the substance of legislation is not to be materially changed the problem here is to create a new organization and to carry over to this new organization all powers now vested in a number of independent offices by different laws.

The constitution provides that "no law shall be revised or amended by reference to its title only, but the law revised or the section amended, shall be inserted at length in the new act"; and also that "no act hereafter passed shall embrace more than one subject and that shall be expressed in the title." A single act, providing for a new organization and carrying over to the new organization the substance of present legislation as embodied in a number of acts, would pretty clearly be unconstitutional because not complete in itself.[13]

It may be possible to embody the new organization in one act, and then in the same act, by separate sections, to amend each of the present acts in its enforcement provision, setting out in full the section of each such act as amended. But this would be opposed to the spirit of the constitution, by amending a number of separate acts in terms by one amending act, and would probably be defeated on the ground that more than one subject is embraced in an act which amends a number of previous laws, even though these laws relate generally to the same subject.[14]

The choice of procedure, then, lies between (1) a series of specific bills, one creating the new organization, and one for the amendment of each specific act whose enforcement provisions are being changed, or (2) a complete re-enactment or revision of the labor laws of the state. The first plan presents a difficulty in that it submits the proposed changes piecemeal to the General Assembly. The second plan is essential if many changes are to be made in the substance of the present legislation, and a re-enactment will be the most feasible method of making the administrative changes even though few changes of substance are contemplated.

The report as prepared deals primarily with labor legislation which is now committed to some administrative authority for enforcement or which should be so committed. There are a number of other laws relating to labor which have, therefore, not been discussed. Of laws of this character printed in the recent compilation issued by the bureau of labor statistics, the following may be mentioned: apprentices (p. 9); boycotting and blacklisting (p. 37); legal day in absence of contract (p. 49); permitting women to engage in any lawful occupation (p. 50); garnishment (pp. 82, 90); mechanics' liens (p. 121); payment of wages (pp. 174, 257-260, 263, 264); wage loan corporations (p. 260).

The question presents itself as to whether the redraft should include merely the laws enforcible through administrative machinery, or should include all labor laws of the state, whether enforced by the administrative organization or merely by judicial proceedings.

The redraft is being made primarily in connection with a proposed administrative reorganization, and for this purpose it is unnecessary to include laws not to be enforced by the administrative authorities. On the other hand it is desirable to have all the labor legislation consolidated into one act, so that any one may find all the law upon this subject easily. Moreover, the legislation not enforcible by administra-

[13]People ex rel Cant v. Crossley, 261 Ill. 78; Brooks v. Hatch, 261 Ill. 179.
[14]See Kennedy v. LeMoyne, 188 Ill. 255.

tive authority is relatively small in bulk as compared with that so enforcible. For these reasons it seems desirable to place all labor legislation in one bill.

If all labor legislation is to go into one bill the question presents itself as to what shall be excluded and what included. Wage loan corporations bear a close relation to the subject of labor yet this relation seems hardly close enough to justify the inclusion of legislation relating to this subject. The subject of apprentices bears an even closer relation, but raises problems involving the substance of legislation in such a manner that its inclusion would hardly be desirable. The apprentice and wage loan corporation acts are sufficiently distinct to be left to themselves. The same statement is true of garnishment and mechanics' liens. If these laws are excluded from a redraft, the other laws enumerated above (and other similar laws found in the statutes) may well be included.

XI. SUMMARY OF RECENT LEGISLATION IN OTHER STATES

A summary is here presented of some of the more important recent legislations of other states. Wisconsin and Ohio on the one side, and New York and Pennsylvania on the other, present two types of organization for consolidated labor departments. In both types the two objects are sought: (1) of uniting labor services under one control; (2) of permitting flexibility in the regulations to be applied to labor conditions.

In the other states here discussed these two objects have not been accomplished. Massachusetts, California and Oregon have sought to provide flexibility as to rules to be administered, but without consolidating their various labor services. Kansas has concentrated the administrative organization, but without introducing any flexibility in the body of rules to be administered by that organization.

The Wisconsin law has been longest in operation, and has to a very large extent accomplished the three-fold purpose: (1) of co-ordinating the administration of all labor laws; (2) of providing a flexible body of rules better adapted to meet the needs of the state; and (3) of obtaining co-operation between employers and employees. Nothing appears in the Wisconsin law which requires the commission to work out rules and regulations in co-operation with employers and employees in the various industries, but such co-operation has been obtained, and is expressly authorized in the Wisconsin law by a provision authorizing the commission "to appoint advisers who shall without compensation assist the industrial commission in the execution of its duties."

The Wisconsin Industrial Commission.

In 1911 the legislature of Wisconsin adopted a law creating an industrial commission and consolidating in its hands the functions formerly exercised by the bureau of factory inspection, the board of arbitration and conciliation and the state liability board of awards. The latter board had been established in the same year by the workmen's compensation law. Numerous other departments and bureaus concerned with the administration of the labor laws were abolished and their powers vested in the newly created commission.

The commission is composed of three members, appointed by the governor for a term of six years. The commission may appoint and remove deputies, clerks and other assistants and may assign its employees to their duties and fix their compensation. The number of employees shall not exceed "the number now employed in the bureau of industrial and labor statistics except on certificate of the governor filed with the secretary of state, that such additional employee is necessary to the work of the commission." The commission has the further

power of appointing advisors who shall assist the commission in carrying out its investigations, and give advice and make recommendations to the commission when called upon to do so. The commission may appoint any deputy a special prosecutor in any case arising under the labor laws or the rules of the commission.

Before defining the powers of the commission the act provides certain general rules of conduct for employers. Every employer is directed to furnish a safe employment, to provide a safe place of employment for employees therein and frequenters thereof, and to adopt such safety devices as may be reasonably adequate to protect the safety and welfare of his employees. No employer shall permit an employee to enter a place that is not safe and no employee shall remove, damage or destroy any safety device or prevent its use by any other person. Every employer or owner is directed to so construct, repair and maintain places of employment or public buildings as to render the same safe. Finally every employer is required to furnish information to the commission and to answer, to the best of his ability, "any question that may be propounded by the commission."

The general power of the commission is stated in the following terms: "The industrial commission is vested with power and jurisdiction to have such supervision of every employment and of every place of employment and public building in this state as may be necessary to enforce and administer all laws and all lawful orders of the commission requiring such employment, place of employment or public building to be safe, and requiring the protection of the life, health, safety and welfare of every employee in every such employment or place of employment and every frequenter of such place of employment and the safety of the public or tenants in any such public building."

It is the duty of the commission "to administer and enforce so far as not otherwise provided for in the statutes the laws relating to child labor, laundries, stores, employment of females, licensed occupations, school attendance, bakeries, employment offices, intelligence offices and bureaus, manufactures of cigars, sweatshops, corn shredders, wood sawing machines, fire escapes and means of egress from buildings, scaffolds, hoists, ladders and other matters relating to the erection, alteration, repair or painting of buildings and structures, and all other laws protecting the life, health, safety, and welfare of employes in employments and places of employment and frequenters of places of employment."

As suggested above the duty to provide safe employment is imposed in general terms upon the employer. Power is then vested in the commission to work out the rules applicable to different circumstances and conditions. The commission is expressly authorized: "To investigate, ascertain, declare and prescribe what safety devices, safeguards or other means or methods of protection are best adapted to render the employes of every employment and place of employment and frequenters of every place of employment safe, and to protect their welfare as required by law or lawful orders, and to establish and maintain museums of safety and hygiene in which shall be exhibited safety devices, safeguards and other means and methods for the protection of life, health, safety and welfare of employes."

"To ascertain and fix such reasonable standards and to prescribe, modify and enforce such *reasonable* orders for the adoption of safety devices, safeguards and other means or methods of protection to be as nearly uniform as possible, as may be necessary to carry out all laws and lawful orders relative to the protection of the life, health and safety and welfare of employes in employments and places of employment or frequenters of places of employment."

"To ascertain, fix and order such reasonable standards, rules or regulations for the construction, repair and maintenance of places of employment and public buildings, as shall render them safe."

"To investigate, ascertain and determine such reasonable classifications of persons, employments, places of employment and public buildings, as shall be necessary to carry out the purposes of this law."

The term "safety" is broadly defined in the act as "such freedom from danger to the life, health, safety or welfare . . . as the nature of the employment . . . will reasonably permit."

Upon its own motion or upon petition the commission may investigate any employment, place of employment or public building, and "after such hearing enter such order as may be necessary to render such employment, place of employment or public building safe." All orders so issued are prima facie reasonable and lawful and shall be in force until altered by the commission or set aside by the courts. The commission is empowered to make rules to govern its proceedings and "to regulate the mode and manner of all investigations and hearings." The order-making power of the commission does not interfere with the power of any city or village to make regulations of the same character save where such local regulations are in conflict with the rules of the commission.

If any employer or other person interested wishes to raise the question of the reasonableness of any order of the commission he may do so by petition to the commission. This petition shall set forth in full detail the reasons why such order is unreasonable and any objection not raised in the petition shall be deemed to be waived. The commission may grant or refuse a hearing upon the petition. If the commission refuses a hearing, or if upon hearing it sustains its former determination the petitioner may proceed in court against the commission. Any person affected by any local order may also petition for a hearing on the ground that the order in question is unreasonable and in conflict with the orders of the commission. Upon receipt of the petition the commission shall hold a hearing in the city or village where the question has arisen and may after such hearing modify its own order or substitute for the local order appealed from such order as shall be reasonable.

After a petition for hearing has been denied or after an unfavorable decision by the commission on such hearing "any employer, owner or other person in interest being dissatisfied with any order of the commission may commence an action in the Circuit Court of Dane County against the commission as defendant to vacate and set aside such order on the ground that the order is unlawful, or that any such order is unreasonable." If it appears on trial of such action that the issues

raised have not come before the commission the court shall transmit to the commission a full statement of such issues and stay proceedings for fifteen days awaiting further decision of the commission. The commission shall report its determination of the issues presented to the court, which shall then proceed with the action.

Acting under the powers here outlined the commission has exercised its rule-making authority somewhat as follows: It established an advisory committee on safety and sanitation which was composed of representatives from the State Federation of Labor, the Milwaukee Merchants' and Manufacturers' Association, Milwaukee Health Department, Wisconsin Manufacturers' Association, Employers' Mutual Liability Company, and the Industrial Commission. Sub-committees were organized composed of manufacturers, technical experts, representatives of labor and of the commission, on the subjects of elevators, boilers, electricity, sanitation, safety exhibit, and bakeries.

The committees thus constituted proceeded to make their investigations, to draw up tentative rules and to submit them to the commission for public hearings. After the hearings the rules were referred back to the committee for further inspection, and finally, when completed, they were issued by the commission as "general orders" applying to the entire state, and published in the official paper and the bulletins of the commission. The violators of such orders cannot contest the reasonableness of the orders when prosecuted, but the legality of the orders can be tested only in a proceeding against the commission as provided in the act.

The commission is directed to do all in its power to promote voluntary arbitration of labor disputes. It shall appoint one deputy who shall be known as "chief mediator," appoint temporary boards of mediation, make rules for the procedure of such boards and fix the compensation of members. Furthermore the commission is charged with the establishment of free employment bureaus and with the investigation of unemployment. An amendment to the act, passed in 1913, empowers the commission to oversee private employment offices, to issue licenses for the maintenance of such offices, to inspect the books, contracts and registers of such offices, and to revoke the license of any office for cause. Finally, the board is directed to collect statistics and make reports concerning the work under its jurisdiction.

The Industrial Commission of Ohio.

In 1913 the Ohio legislature created an industrial commission and centralized in its hands the functions formerly exercised by the state liability board of awards, the state board of arbitration and conciliation, the board of boiler rules, the commissioner of labor, the chief inspector of mines, the chief inspector of workshops and factories, and the chief examiner of steam engines. The Ohio act is modelled after the Wisconsin industrial commission law, many sections of which are copied verbatim.

The Ohio commission is composed of three members, appointed by the governor for a term of six years at a salary of $5,000 a year. Each member of the commission is forbidden to hold any position of trust or profit that will interfere with the performance of his duties as

commissioner and is required before he enters upon the duties of his office to declare upon oath that he holds no office under the committee of a political party. Neither the employing class nor the laboring class shall be represented in the commission by more than one member each, and not more than two commissioners shall be of the same political party. The commission elects its own chairman.

The commission is required to be in session during all business hours, and all sessions are open to the public. At such sessions all voting shall be by roll call and the vote of each commissioner shall be recorded.

The act forbids an employer "to permit employees to go or be in any employment or place of employment which is not safe" and requires him "to adopt and use methods and processes, follow and obey orders, and prescribe hours of labor reasonably adequate to render such employment and place of employment safe," and to do "every other thing reasonably necessary to protect the health, safety, and welfare of such employees and frequenters."

The clauses of the Ohio act which specify in detail the jurisdiction of the commission are more inclusive than those of the Wisconsin act. The Ohio commission is directed to enforce all laws relating to manufacturing establishments, mines, *"buildings used for the betterment of the people of the state,"* building operations, *hours of labor,* means of egress from buildings, *explosives,* employment of women and minors, child labor and school attendance. The parts italicized indicate additions to the Wisconsin act. Several places of employment such as cigar factories, bakeries, telegraph offices and launderies are specifically enumerated in the act. In Ohio the commission also has the power to fix hours of labor reasonable and adequate to the protection of the life, health, safety and welfare of employees. It is also empowered to license, after examination, persons to act as steam engineers and operators of steam boilers. Aside from these provisions the powers of the commission in Ohio are the same as those of the commission in Wisconsin.

In the matter of rehearings the Ohio law follows the Wisconsin act. In the case of court review, however, it is provided that the supreme court of the state shall have original jurisdiction in all actions brought to set aside a rule or order of the commission.

The New York Department of Labor.

The re-organization of the department of labor in New York came as the result of the report of the "Factory Investigating Commission" which was created to investigate the conditions under which manufactures were carried on in cities of the first and second class in the state. This commission recommended a plan whereby the rule-making power, in matters of labor control, should be vested in a board and should remain separate from the power of enforcement, which should be exercised by the commissioner of labor.

The act of 1913 places at the head of the re-organized department a commissioner of labor appointed for a term of four years by the governor, with the advice and consent of the senate. This officer receives a salary of $8,000 a year. Serving under the commissioner are

first and second deputy commissioners appointed by him and holding their offices during his pleasure. In case of absence or disability of the commissioner the first deputy exercises all the powers of the commissioner save that of appointment. The commissioner also has power to appoint all officers, clerks, and other employees save as otherwise provided in the statute. Special provision is made for the appointment, by the commissioner, of an attorney who shall act as counsel for the department.

Under the act bureaus of inspection, mediation and arbitration, statistics and information and industries and immigration are erected. Such other bureaus may be established by the commissioner as that officer deems necessary.

The general power of administering oaths, taking affidavits and issuing orders in accordance with the act, subject to the approval of the commissioner, vests in every administrative officer of the commission, and their rights of interrogation and investigation are not to be hindered or obstructed by any person.

The law provides for an industrial board to be composed of four associate members, appointed by the governor, with the commissioner of labor as ex-officio chairman. Associate members are appointed for four years and receive annual salaries of $3,000. The board may appoint and remove its own clerical staff and may call upon the counsel of the department of labor to give necessary legal advice. The industrial board holds regular meetings once each month and all such other meetings "as the needs of public service may require." All meetings are to be open to the public.

The board has the power to investigate all matters "touching the enforcement and effect of the provisions of this chapter and the rules and regulations made by the board thereunder," to require the attendance of witnesses and the production of books, to administer oaths and take affidavits. It is entrusted with power to make rules for the carrying into effect of this act, applying the provisions of the act to specific conditions. More specifically the board has power to make rules and regulations for the construction, equipment and maintenance of places of employment, for the arrangement and guarding of machinery, for the methods and operations by which trades and occupations are conducted and for the conduct of employes and other persons about factory buildings and mercantile establishments. These regulations of the commission are to be adopted and enforced in the light of the intent of the law that all "places to which this chapter is applicable shall be so constructed as to provide reasonable and adequate protection for the lives, health and safety of all persons employed therein." The act provides that:

"The rules and regulations adopted by the board pursuant to the provisions of this chapter shall have the force and effect of law and shall be enforced in the same manner as the provisions of this chapter. Such rules and regulations may apply in whole or in part to particular kinds of factories or workshops, or to particular machines, apparatus or articles; or to particular processes, industries, trades or occupa-

tions; and they may be limited in their application to factories or workshops to be established, or to machines, apparatus or other articles to be installed or provided in the future."

In a number of places throughout the New York law there are further specific grants of power to the board to make regulations regarding elevators, the construction of factory buildings, the guarding of machinery, and regarding especially dangerous occupations. The New York law is detailed and the power of the board is almost entirely that of making supplementary rules or rules for matters not already covered by statute. With regard to elevators for example the statute is somewhat detailed, and then provides that the industrial board "shall have power to make rules and regulations not inconsistent with the provisions of this chapter" regarding elevators. The rule-making power of the New York industrial board is more limited than that of the Wisconsin industrial commission. There is no provision in the New York statute as to the manner of testing the legality of rules made by the industrial board.

The bureau of inspection which is created by the law is divided into four "divisions," factory inspection, homework inspection, mercantile inspection and industrial hygiene. Each of these divisions is under the direct control of a division chief. The first deputy commissioner is the inspector general for the state and is in charge of the work of the first three divisions subject to the directions of the commissioner. The division of industrial hygiene is under the direct control of the commissioner. Should it appear that new divisions are necessary the commissioner is empowered to create them.

Under the chief of the division of factory inspection there are seven grades of inspectors each with special duties to perform. Many of these inspectors are required to possess special qualifications. The inspectors are charged with the visitation of all factories in the inspection divisions to which they are assigned and are empowered to enforce the provisions of the act in all such factories. They are also charged with the enforcement, jointly with municipal authorities, of all municipal ordinances regulating labor, if such ordinances are not in conflict with the provisions of the act.

The mercantile inspectors may be divided into three grades and are required to perform the same duties of visitation and enforcement in mercantile establishments as the factory inspectors in their field.

The bureau of statistics and information is directed by a chief statistician, under the supervision of the commissioner of labor. The bureau has five divisions: general labor statistics, industrial directory, industrial accidents and diseases, special investigation, and printing and publication. The division of industrial directory is requred to prepare annually a directory of all the cities and villages with a population of over 1,000, which shall contain information concerning the hours, wages and conditions of labor and whatever intelligence regarding the opportunities for labor or industry in such city or village as may be obtainable. The other divisions of the bureau have the functions which are indicated by the name of the division in each case.

The Pennsylvania Department of Labor.

In 1913 Pennsylvania created a Department of Labor and Industry. The new department is modeled after the New York Department of Labor. The Governor, with the consent of the Senate, appoints a commissioner of labor and industry, who is the administrative head of the department and who is charged with the responsibility of executing the labor laws of the state. He is authorized to appoint and remove at pleasure all officers, clerks, and other officers of the department, except as provided in the act. He is a member of the industrial board and serves in the capacity of chairman of that body. He is also in immediate charge of the division of industrial hygiene—a division of the bureau of inspection.

The department is divided into three bureaus, but this number may be increased by the commissioner with the consent of the Governor. The bureaus established by the act are: the bureau of inspection, the bureau of statistics and information and the bureau of arbitration.

At the head of the bureau of inspection is a chief inspector, appointed by the commissioner. This officer may in the absence of the commissioner exercise all the powers of that officer save that of appointment. He has full charge, subject to the supervision of the commissioner, of all inspections made in accordance with the provisions of the act.

The bureau of statistics and information is in charge of a chief, appointed by and working under the direction of the commissioner. The act provides in considerable detail what the fields of investigation shall be. Particular emphasis is placed upon the duty of the bureau to investigate the welfare of aliens, to gather information concerning the labor supply furnished by aliens, to ascertain for what employments they are best fitted, and to place them in communication with employments requiring labor.

The bureau of mediation and arbitration is in charge of a chief appointed in the same manner as indicated above. In case of a strike the chief shall offer mediation. If this is rejected he is to use his best efforts to bring about voluntary arbitration of the questions involved. Under the act, in cases of voluntary arbitration the employer selects one member of the arbitration board, the employee another, and the two choose a third. In case the two fail to select the third member within five days the chief of the bureau becomes a member and shall act as chairman.

The Pennsylvania law, like that of New York, provides for the establishment of an industrial board. This board is to consist of the commissioner and four associate members, appointed by the Governor with the consent of the senate, "one of whom shall be an employer, one a wage earner, and one a woman." The associate members receive a *per diem*. The board may appoint a secretary who shall be paid a salary fixed by the board.

The industrial board is vested with the power of investigating, either as a board or as individuals, "all matters touching the enforcement of laws, the enforcement of which is entrusted to the department,

and the rules and regulations of the industrial board in connection therewith." Its power to make rules and regulations is conferred in the following language:

"All rooms, buildings, and places in this commonwealth where labor is employed, or shall hereafter be employed, shall be so constructed, equipped, and arranged, operated and conducted, in all respects, as to provide reasonable and adequate protection for the life, health, safety, and morals of all persons employed therein. For the carrying into effect of this provision, and the provisions of all the laws of this commonwealth, the enforcement of which is now or shall hereafter be entrusted to or imposed upon the commissioner or department of labor and industry, the industrial board shall have power to make, alter, amend and repeal general rules and regulations necessary for applying such provisions to specific conditions, and to prescribe means, methods, and practices to carry into effect and enforce such provisions."

The rules and regulations made by the board are to be printed in the newspapers and in the bulletins of the department.

Any person interested may appeal to the commission for a hearing upon any order or regulation. The petition shall set out in full the reasons why the rule or regulation in question is unreasonable. The board may either grant the petition and set a time and place for a hearing or, if "it believes the issues raised in such petition have been heretofore adequately considered" merely confirm its previous determination. The act makes no provisions for judicial review of the final determinations of the board.

The Pennsylvania law provides that the attorney general may appoint and may remove an attorney who shall act as counsel for the department. The commissioner may employ additional counsellors to be designated by the attorney general. In this particular the Pennsylvania law differs from other laws examined.

Massachusetts.

By an act of 1907, amended in 1909, Massachusetts provided for the appointment of a board of boiler rules, with power "to formulate rules for the construction, installation and inspection of steam boilers." This board was required to hold hearings at certain stated times, and to hold additional hearings after notice should it deem it advisable to change rules which were already in force. It was further provided that "the rules so formulated shall be submitted to the governor for his approval." [1]In 1913 a board of elevator regulations was created with powers similar to those exercised by the board of boiler rules.

By legislation of 1910 the state board of health was authorized "to determine whether or not any particular trade, process of manufacture or occupation or any particular method of carrying on such trade, process of manufacture or occupation, is sufficiently injurious to the health of minors under eighteen years of age employed therein to justify their exclusion therefrom, and every decision so rendered shall be conclusive evidence of the facts involved therein, except as the same may later be revoked or modified by a subsequent decision of the board."

[1]For operations under this law, see American Labor Legislation Review, I, 70.

An act of 1912, creating the board of labor and industries, vested in that board a power "to make rules not inconsistent with existing law" for carrying out the provisions of the act. An act of 1913 vested in this board also the power previously exercised by the state board of health with respect to minors in dangerous employments.

By the industrial compensation act of 1911 a Massachusetts' Employees' Insurance Association was provided for, and this association was authorized to make and enforce reasonable rules and regulations for the prevention of injuries on the premises of the subscribers." Appeal from such rules and regulations might be taken to the industrial accident board, and that body was granted power "to affirm, amend or annul the rule or regulation."

The most important step in the direction of granting a rule making power was taken in 1913, by an act concerning the investigation and prevention of occupational diseases and the prevention of accidents in factories. This act provides that the state board of labor and industries and the industrial accident board, sitting jointly, shall have power to investigate employments and places of employment in the state and "determine what safety devices or other reasonable means or requirements for the prevention of accidents and for the prevention of industrial or occupational diseases shall be adopted or followed in any or all employments or places of employment; and shall make reasonable rules, regulations or orders for the prevention of accidents and the prevention of industrial or occupational diseases." Such rules may apply to both the employer and the employee. The joint board may appoint committees of employers and employees in any industry to recommend rules which are calculated to make the employees in that industry safe. No rule or recommendation shall be adopted until a hearing has been held thereon. The joint board is empowered to make the rules for such hearing and to serve notice upon parties in interest.

The statute provides that any rule or regulation of the Massachusetts employees' insurance association, approved by the industrial accident commission, shall not prevail if it conflicts with any of the rules of the joint board. The act also requires the joint board to make arrangements to prevent the duplication of effort between the two bodies that compose it.

The power of administering the labor laws of Massachusetts is distributed among various boards, bureaus and departments. This has resulted in a duplication of effort and an overlapping of authority, and has operated to defeat in part the operation of the labor laws. An attempt to remedy these faults by the creation of a board of labor and industries in 1912 met with little success. The new board, so far as consolidation of function is concerned, increased, rather than lessened, the confusion.

The following is a brief summary of the existing departments in Massachusetts charged with the execution of the labor laws: The board of conciliation and arbitration is empowered to arbitrate labor disputes on application of either party. Parties to such disputes may, however, select other arbitrators if they so desire. The bureau of statistics is charged with direction of free employment offices, as well as the collection and publication of statistics. The minimum wage board

may recommend a minimum wage for women or minors in any occupation, but its power of enforcement is limited to the publication of the names of employers who do not adopt the minimum wage recommended by the board. The industrial accident board (composed of five members) is charged with administration of the workmen's compensation law and has power to review the rules of the board of directors of the Massachusetts employees' insurance association. The board of health is charged with a number of laws regarding industrial health conditions. The board of labor and industries (also composed of five members) is charged with the inspection of factories, the enforcement of various laws relating to the employment of women and children, the inspections of buildings used for industrial purposes, and the investigation of complaints concerning labor conditions. Some of the former powers of the state board of health as well as those of the inspection department of the district police were vested in the board. Express provision was made, however, for the retention of the powers of building inspection and boiler inspection by the district police.

California.

In 1913 California adopted an act creating an "industrial welfare commission." This act provides for a board of three persons appointed by the governor for a term of four years at a salary of $5,000 a year. The act divides into two parts, the first dealing with workmen's compensation and with the administration of the "state compensation insurance fund," the second dealing with the regulation of conditions of labor in the state. The administration of both parts of the act is in the hands of the commission. All other labor matters are outside the scope of the commission's authority.

Full power is given the commission to appoint an attorney, a secretary and necessary assistants, a manager of the state compensation insurance fund, a superintendtent of the department of safety, and whatever other assistants, experts, statisticians, referees and other officers it may consider necessary to carry out the duties and exercise the powers vested in it. All the officers and employees of the Commission "shall receive such compensation for their services as may be fixed by the Commission, shall hold their offices during the pleasure of the board and shall perform such duties as may be imposed on them by law or by the Commission." The Commission has power to apportion the money at its command among its several departments as their needs may demand.

In its capacity as administrator of the compensation law the Commission is vested with authority to hear and determine all cases, and with all the other powers necessary for the carrying into effect of its decisions and awards. The board may grant rehearings upon application in proper form and in all cases its final determination of the questions presented is subject to court review.

Under the safety provisions of the act the Commission is vested with full power and jurisdiction over every employment and place of employment in the state, and is charged with the administration of all laws rendering such employments or places of employment safe for the employees therein. To carry out this duty the Commission is empow-

ered, after hearing upon its own motion or upon complaint, to fix reasonable standards of safety and to enforce their adoption, to prescribe such safety devices as are adapted to render employes in every employment safe, to fix the standards of construction and repair, and to require the performance of any other act necessary to the safeguarding of the employees in any employment. Furthermore, the Commission has the power, after hearing to order the installation of such repairs or improvements as it may consider necessary in any place of employment. All orders of the Commission "in conformity with law are *prime facie* lawful and all its rules and regulations, decisions, orders or awards are conclusively presumed to be reasonable till set aside by the commission upon rehearing or by the courts upon review."

The Commission is given power to establish museums of safety and hygiene, and to cause bulletins to be printed and lectures to be delivered dealing with prevention of accidents, occupational diseases, and related subjects. It may appoint advisers who shall aid in fixing standards of safety. Fines levied for failure to comply with orders of the Commission shall be paid into an "accident prevention fund."

In the matter of hearings the commission shall have full power to prescribe rules of procedure, to provide for the appearance of minors and incompetents, and to appoint guardians ad litem. The commission is further empowered to appoint referees either for the complete trial of all issues, whether of fact or of law, or "for the ascertaining of a particular fact necessary to the commission to determine any proceeding before it." The findings of the referee in such instances shall be filed with the commission within twenty days and the commission may then "adopt, modify or set aside the same or any part thereof."

The grant of power to the Commission closes with the general provision that "The commission is hereby vested with full power, authority and jurisdiction to do all things, whether herein specifically designated or in addition thereto, which are necessary or convenient in the exercise of any power or authority or jurisdiction conferred upon it by this act."

Any party aggrieved by any rule, regulation, order, or decision of the commission may apply to it for a rehearing. The application must set forth in full detail the grounds upon which the rehearing is sought and the applicant is "deemed to have waived all objections, irregularities or illegalities concerning the matter upon which such rehearing is sought other than those set forth in the application for such rehearing." The application must be filed within twenty days after decision upon the hearing has been rendered and must be based on one or more of the following grounds: "(1) That the Commission acted without or in excess of its authority; (2) that the order or decision was procured by fraud; (3) that the order, rule, regulation is unreasonable."

This motion for rehearing is a condition precedent to review by the courts. The filing of an application automatically works a ten days' suspension of the order in question, and this time may be extended by the commission if it sees fit. Within thirty days after the rehearing has been denied, or if granted within thirty days after the rendering of a decision upon rehearing, "any person affected thereby may apply to

the supreme court or to the district court of appeal of the appellate division in which such person resides for a writ of certiorari or review for the purpose of having the lawfulness of the order, decision, rule or regulation on rehearing examined into and determined."

Review by the court is limited to the investigation of the power of the commission, fraud, the reasonableness of the order, rule or regulation in question, and, if findings of fact are made, whether such findings support the decision or award reviewed. The pendency of a writ of review does not of itself suspend the order of the commission, but the court has discretionary power "to suspend or stay the order, rule or regulation in whole or in part."

The California legislature, in 1913, also passed an act creating an "industrial welfare commission." This commission is composed of five persons, one of whom is a woman, appointed by the governor, for a term of four years. The members receive no salary but are allowed ten dollars a day and expenses when in attendance at commission sessions. The board is empowered to choose its own employes, who are under its direction and hold office at its pleasure.

It is the duty of the Commission to investigate the wages paid, the hours of employment, and the health, safety and comfort of all women and minors in the various trades, occupations and industries, "whose compensation for labor is measured by time, piece or otherwise." To assist the Commission in such investigations all employers are directed to furnish information, to permit investigation of books and inspection of plants and to keep a register of all women and minors employed. Under the act a minor is defined as a person of either sex under the age of eighteen years.

If, after the investigation of a particular industry, it is the opinion of the commission that the hours or conditions of labor are unsatisfactory or that the "wages paid to women and minors are insufficient to supply the cost of proper living," the Commission may call an equal number of the employers and of the employes in the occupation under discussion to pass upon the questions involved. This conference is known as the "wage board." The number, composition and procedure of the board is fixed by the commission, one member of which acts as chairman. The board, if so directed by the commission, shall report: (1) an estimate of the adequate minimum wage, (2) the maximum hours of labor, and (3) the conditions of labor in the industry under investigation, consistent with the health, safety and comfort of the women and minors employed. The commission is empowered to use the record of the proceedings of the wage board as evidence in a hearing before it, and after such hearing may accept or reject the recommendations of the board.

The Commission has the power to fix the time and place of any hearing. Notice of such hearing is made by publication in one newspaper in San Francisco, Los Angeles and Sacramento and by filing a notice with the recorder of each county in the state.

After the hearing, the Commission has the power to fix the minimum wage, the maximum hours and the standard conditions necessary to "the health and welfare of the women and minors employed in any

occupation, trade or industry in the state." Any such decision or order of the Commission becomes effective after sixty days. Notice of the decisions or orders of the Commission is given in the same manner as is notice of the hearing, with the added requirement that a copy be sent to the commissioner of labor. The orders are under the continuing control of the commission and may be altered or rescinded by it at any time

Any party aggrieved by a decision or order of the Commission may begin an action in the superior court of the city and county of San Francisco, or in the superior courts in and for the counties of Los Angeles or Sacramento. A complaint setting forth the grounds on which court review is sought is served, together with the summons, upon the Commission. The Commission shal then return to court a record of all the testimony taken at the hearing, together with a certified copy of its findings and determinations. Upon review the court shall affirm or set aside the order or decision of the Commission, but the "same shall be set aside only on the following grounds: (1) That the Commission acted without or in excess of its authority; (2) that the determination of the Commission was procured by fraud." The Commission or any other party in interest in the suit may appeal from the decision of the superior court.

The California industrial accident commission law is notable because of the power of internal organization and control which it places in the hands of the commission. In matters of appointment, compensation of employees, and duration of their service the commission has been given free rein. This flexibility of the law is best illustrated by the discretion allowed the commission to appropriate the funds put at the disposal of one of its departments to the use of another if it appears necessary. Another feature of the California plan that should not be overlooked is that it concentrates the administration of workmen's compensation and the regulation of the conditions of labor in a single board.

This union of the compensation and the safety provisions, however, marks the limit of consolidation accomplished by the California law. There is no complete centralization of labor control in the hands of the commission. In addition to the industrial welfare board, which in reality shares the field of the industrial accident commission, there is a board of arbitration and conciliation, a public employment bureau, and a bureau of labor statistics. The latter is under the direction of a commissioner of labor whose duties overlap those of the commissions at some points. This officer is charged with overseeing private employment bureaus, with supervision over the payment of wages of seasonal labor, and with certain powers of inspection. He is also entrusted with the enforcement of labor regulations made directly by the legislature. The want of a combined power of regulation and enforcement in a single body, together with the absence of a centralization of the various labor services, menaces the effectiveness of the whole California system.

Another danger in the California laws lies in the wide power of mandatory order and regulation residing in the commissions, coupled with a limited scope for court review. This is most apparent in the

case of the welfare commission. Here notice of hearing is given by newspaper publication, and court review goes to the method by which the determination is reached rather than to the subject matter of such determination.

The Oregon Welfare Commission.

The Oregon welfare commission law, which was adopted in 1913, follows closely the provisions of the California act creating a similar commission. The Oregon commission consists of three persons, appointed by the governor, for a term of three years. The governor is directed, in selecting the commission to choose one commissioner who shall represent the employing class and one who shall represent the employed class; the third commissioner shall be a representative of the public and shall be "fair and impartial between the employers and the employees." The commission shall elect its chairman and select its secretary each year. "All expenses and expenditures of the commission are to be audited and paid as other state expenses are audited and paid."

The commission is charged with making rules and regulations for the control of the employment of women and minors in the state, and is authorized to ascertain and declare standard hours of labor, standard conditions of labor and standards of minimum wages for "all women and minors in any occupation within the state." It is vested with powers of investigation similar to those of the California welfare commission.

After investigation, if conditions in any industry are found to be unsatisfactory, the commission may call a "conference" similar to the California "wage board." The Oregon law provides, however, that the conference shall be composed of "not more than three representatives of the employers and of an equal number of the employees in said occupation, and of not more than three disinterested persons representing the public, and of one or more commissioners." The commission appoints one of the members of the conference to serve as chairman. The conference may be directed to report upon the same questions as the California "wage board," and the recommendations may be approved or disapproved in whole or in part by the commission. The conference, in addition to the minimum wage for time work, may report on the minimum piece rate for work of that character.

Following the adoption of the report of the conference the commission shall set a time and place for a hearing and give notice of such hearing "by publication in not less than two newspapers of general circulation published in Multnomah county." After the hearing the commission may issue its decision in rules, regulations or orders as in California. The commission is empowered to make different rules or orders for the same occupation in different sections of the state if such a difference is justified by conditions existing in various localities. The commission is directed, as far as possible, to mail a copy of its orders to "all employers in the occupation affected thereby."

In the matter of appeal from the decisions of the commission Oregon has allowed a wider judicial review than exists under the California law. "All qustions of fact arising under the foregoing provisions

of this act shall, except as otherwise herein provided, be determined by said commission, and there shall be no appeal from the decision of said commission on any such question of fact: but there shall be a right of appeal from said commission to the circuit court of the state of Oregon for Multnomah County from any ruling or holding on a question of law included in or embodied in any decision or order of said commission, and, on the same question of law, from the said circuit court to the supreme court of the state of Oregon. In all such appeals the attorney general shall appear for and represent said commission."

Kansas Department of Labor and Industry.

Previous to 1913 the enforcement of labor laws and the regulation of the conditions of labor in Kansas were entrusted to the State Society of Labor and to the State Association of Miners, each composed of local labor groups. The elected secretaries of these organizations served respectively as ex-officio commissioner of labor and as ex-officio state mine inspector. There was also a free employment bureau, the director of which was appointed by the governor.

The functions exercised by these three departments were consolidated in 1913 by the creation of a Department of Labor and Industry. A commissioner of labor and industry was placed at the head of the department with the combined functions of state factory inspector, state mine inspector and director of free employment. For this office and for the principal subordinate positions in the department there are age, residence and experience qualifications.

The commissioner of labor and industry is charged with the appointment of an assistant commissioner, who shall be experienced in mining affairs; two deputy state factory inspectors, one of whom shall have had practical experience in building, the other a woman experienced in matters pertaining to female labor; a free employment bureau clerk; and such other assistants, agents and office help as he may consider necessary. The salaries of all appointees are fixed by statute, but all employees are under the direction of the commissioner and "hold their offices during his pleasure."

The duties of the commissioner are: (1) to make statistical reports of labor and trade conditions, (2) enforce the laws regulating the employment of women and minors, (3) enforce all laws made for the promotion of health and safety of laborers. He is invested with the usual powers of interrogation, investigation, inspection and of examining witnesses. When the commissioner finds that the precautions for safeguarding employees in any employment are unsatisfactory "he shall notify, in writing, the owner, proprietor, or agent of such workshop or factory to make, within thirty days, the alterations or additions to him deemed necessary for the safety and protection of the employees."

In his capacity as state mine inspector he may order changes necessary to the safety of the laborers to be made immediately, and in case of imminent danger he may order the suspension of mining operations until his demands have been complied with. Failure to obey his instructions is punishable by fine "levied by any court of competent jurisdiction."

Interest in the Kansas plan centers in the concentration of administrative authority in the hands of the commissioner. The statute, however, fixes the definite limits of his powers and duties and beyond these he cannot go. He has no discretionary power to add offices other than those provided for in the act, nor to reorganize the department without the express authorization of the legislature. He has no power to make regulations, and must enforce the specific terms of the law as laid down in the statute.